JIU/REP/2015/6

REVIEW OF THE ORGANIZATIONAL OMBUDSMAN SERVICES ACROSS THE UNITED NATIONS SYSTEM

Prepared by

Istvan Posta

Joint Inspection Unit

United Nations, Geneva 2015

Executive Summary

Review of the organizational ombudsman services across the United Nations system
JIU/REP/2015/6

Organizations without an informal dispute resolution mechanism receive, on average, twice as many formal grievances per year as organizations with one. Organizational ombudsman offices are of paramount importance in such a mechanism. Currently, 19 out of 28 Joint Inspection Unit participating organizations provide ombudsman services to their employees. The present review focused on ombudsman offices in United Nations system organizations with the objective of independently assessing their functioning by mapping their mandate and practices, identifying their enabling environment, intention to adhere to the principles set out in international standards, assessing their contribution to identifying systemic issues, identifying good practices, including cooperation with other ombudsman practitioners, and capturing and analysing the perceptions and satisfaction of the main groups of clients.

Main findings and conclusions

The purpose of an informal dispute resolution mechanism is to seek a negotiated dispute settlement as an alternative and prior to litigation. Only if such settlement is unsuccessful, should a matter be pursued through the formal justice system. In reality, however, the office of the ombudsman is often consulted at a later stage of the conflict resolution process. Lack of understanding of the role of the organizational ombudsman or the principles guiding his or her work can negatively affect staff and management expectations of the role of the office and the service it is supposed to provide and may initially prevent potential clients from using the ombudsman office to its full potential. Frequently, the role of an organizational ombudsman is confused with that of a classical ombudsman, who has the authority to investigate complaints, assess behaviours and, to a certain extent, exercise executive power to enforce actions. An organizational ombudsman does not and cannot fulfil such a role. Rather, the designated neutral provides confidential, informal, independent and impartial assistance to individuals through mediation, shuttle diplomacy, listening, dialogue facilitation and coaching, and by identifying and evaluating options.

The terms of reference of the ombudsmen in United Nations system organizations are not comprehensive and many are more than a decade old. For example, the integrated Office of the United Nations Ombudsman and Mediation Services that serves three pillars, namely the United Nations Secretariat, the funds and programmes and the Office of the United Nations High Commissioner for Refugees, has not yet revised and promulgated its terms of reference as requested by the General Assembly in its resolution 62/228 of 2007. The review identified that, in general, the provisions of the terms of reference relating to the establishment of the Office, the appointment of the ombudsman, the definition of his or her duties and the operating principles of the Office were most in need of improvement. It is recommended that the terms of reference of the ombudsman of the respective organizations be revised and promulgated (**recommendation 1**).

Promoting the role of the organizational ombudsman is the responsibility of the ombudsman, management and staff associations. The review found that while each ombudsman devoted a significant amount of time to outreach activities, management and staff associations did considerably less in that regard and some even viewed the ombudsman as a competitor. It is recommended that organizations include questions relating to the ombudsman service in staff surveys in order to identify what kind of activities should be organized to increase the awareness and understanding of staff of the organizational ombudsman function (**recommendation 2**).

All ombudsmen agree that their clients prefer person-to-person contact. Therefore headquarters staff with direct access to the ombudsman office are in a privileged position compared to their colleagues in field offices. Even organizations that have regional ombudsman offices, or whose main ombudsman travels on a regular basis to field locations, cannot offer the same coverage to staff in all of their field locations. Yet, the organizations will not avail themselves of the possibility of using the services of the field ombudsman of another United Nations system organization to offer their field-based staff a choice between face-to-face contact with that ombudsman and virtual contact with their own headquarters-based ombudsman; the excuse given is that the rules, regulations and practices of each organization are different. The review found those differences to be blown out of proportion. It is recommended that staff be given the choice of using the ombudsman of any United Nations system organization resident or temporarily present in their field location (**recommendation 3**).

The budgets and staffing of ombudsman offices are negligible from the point of view of the organizations. Although, by many estimates, the work of ombudsman offices significantly reduces organizational costs, organizations are not investing enough resources in their ombudsman offices. On the contrary, their budgets are subject to routine and wide cuts, which translate into a penny-wise-and-pound-foolish scenario whereby ombudsman offices are able to deal with fewer cases and train fewer people on conflict management, while more cases are brought before the formal internal justice system.

In addition, mediation services are not used to their full potential. The review found that mediation often requires that a settlement agreement be reached, which in the current financial and budgetary environment can be executed in most cases only after a liability has been determined, which in turn can only be done based on a legal decision by the formal administration of justice system. It is suggested that organizations provide an enabling environment in their budget and financial rules and regulations that would make the use of mediation possible in cases where the financial benefits of mediation are obvious, based on previous experience or the best probable outcome of a formal administration of justice procedure.

There are no harmonized procedures or standards of operational practice for the profession of organizational ombudsman. Usually, a visitor presents his or her case, which may cover more than one issue, to the ombudsman. The review found that while issue classification is standardized, each ombudsman is free to determine whether to record a visitor's query as a case or whether it is just information seeking, what procedures to apply in handling the case, and so on.

As a result, reported statistics cannot be fully compared. It is recommended that a harmonized case management manual for ombudsmen be elaborated for the United Nations system (**recommendation 4**).

Identification of trends and the root causes of conflict is the ombudsman's task and can potentially generate change in an organization's policies and rules and improve its overall performance. The review found that systemic issues are usually reported in the annual report of the ombudsman, which, in most cases, is submitted to the executive head of the organization, but rarely discussed with senior management in formal meetings and almost never presented to the legislative organ. Only the United Nations Secretary-General reports annually to the General Assembly on identified systemic issues. It is recommended that the legislative bodies of all United Nations system organizations make it possible for the ombudsman to report to them on systemic issues (**recommendation 5**).

Professionalization and accountability of the ombudsman and appraisal of his or her performance are important. Continuous training and certification through the ombudsman certification process is recommended (**recommendation 6**). Recognizing the special nature of the ombudsman's function and respecting the requirement of independence, the review accepts that the ombudsman cannot be subjected to the same performance evaluation as other staff; however, the absence of any performance appraisal and accountability is not acceptable. Precisely for the purpose of upholding the ombudsman's independence, it is recommended that a process inclusive of management and staff representatives be used for appraisal of the ombudsman's work (**recommendation 7**).

The United Nations and Related International Organizations network of ombudsmen and mediators, which is larger than the United Nations system, should create a subgroup that is limited to United Nations system organizations to address United Nations-specific challenges and the recommendations contained in the present report (**recommendation 8**).

The implementation of the recommendations in the present report should result in more efficient and professionalized ombudsman services and may allow the employees of United Nations system organizations better access to those services. Reducing or avoiding conflict and grievances in the workplace will decrease the operational costs of the organizations, and greater harmonization of the ombudsman services across the United Nations system will ensure that all employees of the entire United Nations system receive a similar level of treatment when seeking to resolve workplace conflicts.

Recommendations for consideration by legislative organs

- **The legislative bodies of the United Nations system organizations should make it possible for the ombudsman to report to them on identified systemic issues on a regular basis.**

Contents

Chapter		Page
	Executive Summary	3
	Abbreviations and acronyms	7
I.	Introduction	9
II.	Evolution of the institution of organizational ombudsman in the United Nations system	14
	A. Office of the Ombudsman and the administration of justice system in United Nations system organizations	14
	B. Evolution of the function of organizational ombudsman and misconceptions about its role	16
	C. Mapping of the ombudsman function in the United Nations system organizations	17
III.	Legal regulations of the Ombudsman function	21
IV.	Functional landscape of the organizational ombudsman	26
	A. Is an ombudsman necessary in an organization? When and what kind?	26
	B. Awareness of organizational ombudsman services	27
	C. Access to ombudsman services	29
	D. Budget and staffing of ombudsman services	33
	E. Case management	34
	F. Systemic issues	36
	G. Mediation	38
	H. Building a conflict-prevention culture	39
	I. Reporting activity	40
	J. Ombudsman training	40
	K. Accountability and appraisal of the ombudsman's performance	41
V.	Client satisfaction with ombudsman services	43
	A. Surveys conducted by ombudsman offices	43
	B. Findings of surveys in 2013 and 2014	44
	C. Improving the comparability and use of survey results	45
VI.	Cooperation among ombudsman practitioners in the United Nations system organizations	46
VII.	The way forward	49
Annexes		
I.	Ombudsman institution in United Nations system organizations	50
II.	Financial and human resources of ombudsman offices	52
III.	Overview of actions to be taken by participating organizations on the recommendations of the Joint Inspection Unit	55

Abbreviations and acronyms

FAO	Food and Agriculture Organization of the United Nations
IAEA	International Atomic Energy Agency
IARC	International Agency for Research on Cancer
ICAO	International Civil Aviation Organization
ILO	International Labour Organization
IMO	International Maritime Organization
IOA	International Ombudsman Association
ITC	International Trade Centre
ITU	International Telecommunication Union
JIU	Joint Inspection Unit
PAHO	Pan American Health Organization
RWA	Respectful Workplace Advisors
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization
UNODC	United Nations Office on Drugs and Crime
UNOMS	United Nations Ombudsman and Mediation Services
UNOPS	United Nations Office for Project Services
UN-RIAS	United Nations Representatives of Internal Audit Services
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UN-Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNWTO	World Tourism Organization

WFP	World Food Programme
WHO	World Health Organization
WHO/AMRO	WHO Regional Office for the Americas
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization

I. Introduction

1. As part of its programme of work for 2015, the Joint Inspection Unit (JIU) conducted a review of the organizational ombudsman services across the United Nations system. A review of the United Nations Ombudsman and Mediation Services (UNOMS)[1] had been suggested by the United Nations Secretariat for inclusion in the programme of work for 2012. Although the topic generated interest among JIU participating organizations, a review was not undertaken at that time owing to the large number of proposals received. In preparation for the 2015 programme of work, an internal proposal was made to review ombudsman policies and practices in the United Nations system with an enlarged system-wide focus, which was accepted for inclusion in the programme of work for 2015.

A. Objectives and scope

2. The objective of the review was to make an independent assessment of the functioning of the ombudsman offices in United Nations system organizations by:

(a) Mapping the ombudsman policies and practices across the system and reviewing and comparing their mandates, structures, allocation of human and financial resources in relation to the size of the organization, their operations, the accessibility of ombudsman services by staff, recruitment of the ombudsman, contractual modalities, reporting lines and cooperation with senior management, other organizational units and departments and the legislative bodies;

(b) Identifying the enabling environment and the challenges faced by ombudsman offices in carrying out their mandates;

(c) Identifying intention to adhere to the principles set out in international standards, namely independence, neutrality, impartiality, confidentiality and informality;

(d) Assessing the contribution of the ombudsman offices to identifying systemic issues with a view to promoting an enabling environment for preventing and minimize workplace conflict through conscious actions by senior management;

(e) Identifying good practices in the activities of the ombudsman offices in the United Nations system;

(f) Identifying practices, prospects and limitations of cooperation among ombudsman offices in the different entities of the United Nations system;

(g) Capturing and analysing the perceptions of the main groups of clients, namely staff and management, and their satisfaction with the services provided by the ombudsman offices

3. The present report is intended for practitioners in the ombudsman offices of the United Nations system organizations, senior management, the legislative bodies and staff at large. The review was system wide in scope and focused, in particular, on the ombudsman services provided by the United Nations Secretariat, its funds and programmes and specialized agencies and the International Atomic Energy

[1] UNOMS serves the United Nations Secretariat, its funds and programmes and UNHCR.

Agency (IAEA). Regional ombudsmen and the provision of their services to staff in the field were, to the extent possible, also considered in the review.

B. Methodology

4. In accordance with JIU internal standards, guidelines and working procedures, the methodology followed in preparing the present report consisted of multiple methods of data collection and analysis, mostly qualitative, including:

(a) A desk review of key documentation (e.g. reports, resolutions and decisions of the General Assembly and the legislative bodies of other United Nations system organizations, terms of reference of the ombudsmen, annual reports, budgets, publications, international standards of practice), which provided the basis for the preparation of the inception report on the design, scope and key issues and questions to be addressed in the review;

(b) Questionnaires to the organizations, seeking information on the functions of the ombudsman offices, system-wide cooperation, stakeholder perception, added value and evolution;

(c) A total of 75 interviews with more than 100 stakeholders (ombudsmen, staff of ombudsman offices, senior management and staff representatives) on the basis of the responses to the questionnaire. The inspection team also met with management of the Executive Office of the Secretary-General and the ombudsmen of two multilateral institutions, which are not JIU participating organizations;

(d) A coordination interview was held with a member and facilitator of the six-member panel of external experts[2] that was established to conduct an interim independent assessment of the system of administration of justice at the United Nations pursuant to General Assembly resolution 69/203. According to the revised proposal for conducting the assessment, in relation to the informal system, the panel is to consider proactive measures for the early identification and resolution of cases appropriate for informal resolution and the intersection of the formal and informal systems related to the process of case referral (see A/69/227, annex II, para. 1 (c) (iii)-(iv)). As the report of the panel is to be presented to the General Assembly at its seventy-first session, JIU has sought to coordinate with the work of the panel to avoid overlap;

(e) Missions were carried out to ombudsman offices at the headquarters of JIU participating organizations (Montreal, New York, Rome and Vienna), meetings were held with representatives of the Geneva-based organizations, and a number of regional ombudsmen and other stakeholders were interviewed by telephone.

5. Previous reviews of ombudsman offices have been few and in the rare instances when they did occur, the scope was limited to individual organizations and therefore did not offer a comprehensive United Nations system-wide overview of what worked and what did not. In the present review, data was triangulated from multiple sources, including through questionnaires and interviews, to confirm the findings. One limitation of the review was that, due to the strict confidentiality

[2] Members of the panel are Jorge Bofill (Chile), Chris de Cooker (Netherlands), Bob Hepple (United Kingdom), Hina Jilani (Pakistan), Navanethem Pillay (South Africa) and Leonid Skotnikov (Russian Federation). See http://www.un.org/press/en/2015/sga1559.doc.htm.

principle under which ombudsmen operate, interviews with actual clients of ombudsman services could not be held and the only information available was that obtained through client satisfaction surveys conducted by some ombudsman offices. Capturing and analysing the perceptions of staff and management and their satisfaction with the services provided by the ombudsman offices was performed through interviews with staff representatives and senior management.

6. Another limitation was the absence of a common definition of "case". While there are some guidelines explaining that not every inquiry is a case, there is no definitive explanation on the difference between a case and a visitor's query. Therefore, the statistics reported in the ombudsmen's annual reports involve a degree of judgement exercised by each ombudsman.

7. In addition, identifying practices, prospects and limitations of cooperation with ombudsman practitioners in different entities of the United Nations system was limited to interviews with individual ombudsmen. Further triangulation was not possible since, inter alia, the request for "read only access" to documents, including agendas and minutes of the annual meetings, through the web platform of the United Nations and Related International Organizations network of ombudsmen and mediators (UNARIO) was denied owing to the "informal nature of the interactions and the need to maintain confidentiality". UNARIO also pointed out that some of its member organizations were not part of the United Nations family and were therefore outside the scope of JIU. The Inspector regretted the response of UNARIO and had no other option but to analyse the related issues within those limitations.

8. Pursuant to article 11, paragraph 2, of the Statute of the Joint Inspection Unit,[3] the present report was finalized after consultation among the Inspectors so as to test the recommendations being made against the collective wisdom of the Unit. The draft report was sent to JIU participating organizations and other United Nations system entities concerned for verification of factual information and substantive comments on the findings, conclusions and recommendations. Their comments have been taken into account, as appropriate, in finalizing the report.

9. The report contains eight recommendations: seven are addressed to the executive heads of the United Nations system organizations; and one to the legislative bodies of the organizations. To facilitate the handling of the report and the implementation of its recommendations and monitoring thereof, annex III contains a table indicating whether the report is submitted for action or for information to the governing bodies and executive heads of the organizations reviewed.

10. The Inspector wishes to express his appreciation to all those who assisted him in the preparation of the present report, in particular those who participated in the interviews and so willingly shared their knowledge and expertise.

C. Background

11. The first ombudsman institution was established in Sweden in response to the 1809 Instrument of Government which separated powers between the Crown and the Parliament, enabling Parliament to supervise public administrators and the judiciary

[3] See www.unjiu.org/en/corporate-information/Pages/Statute.aspx.

through the *justitieombudsman* and to prosecute for failure to fulfil their duties. The idea of the ombudsman institution only spread beyond Sweden in the twentieth century and gained in popularity over the past decades.[4]

12. The term "ombudsman" originates from the Old Swedish word for "representative" or "proxy". The ending "man" in ombudsman is not related to the English word "man" and is thus gender-neutral. In the present report, the term "ombudsman" will be used to refer to both the function and the person performing the function, regardless of gender, unless quoting from a document that uses a different form of reference.

13. The ombudsman concept has grown to envelope different types of ombudsmen. Although the review focused on the **organizational ombudsman**, it is worth understanding the functions of other types, because their practices and responsibilities differ. Sometimes staff and management misunderstand their functions, which leads to unrealistic expectations of the organizational ombudsman services. The following are different types of ombudsmen:

(a) Classical ombudsman: a public sector office appointed by, but separate from, the legislature, that is given the authority to supervise the general administrative conduct of the executive branch through investigation and assessment of that conduct;

(b) Hybrid ombudsman: a private and public sector office that uses informal methods to resolve complaints, but also have the power to investigate and the authority to publish annual and special reports. For example, the human rights ombudsman combines both the ombudsman and human rights commission roles;

(c) Executive ombudsman: a public or private sector office appointed by and responsible to the executive power;

(d) Legislative ombudsman: a part of the legislative branch of a government entity and addresses issues raised by the general public concerning the actions or policies of government entities;

(e) Other ombudsmen include the municipal ombudsman, the single-sector ombudsman, government department ombudsman, the ombudsman for children, each responsible for complaints in his or her respective domain.[5]

Box I: Definition of organizational ombudsman

The **organizational ombudsman** is a designated neutral within an organization and usually reports at or near the top of that organization, outside ordinary management channels. An organizational ombudsman, inter alia, listens impartially to problems, develops options for actions for the visitor, provides confidential, informal, independent and impartial assistance to individuals through mediation, coaching and conciliation or shuttle diplomacy and identifies systemic problems. The organizational ombudsman does not advocate for any

[4] See Linda C. Reif, *The Ombudsman, Good Governance and the International Human Rights System* (Leiden, Martinus Nijhoff Publishers, 2004), pp. 4-7.

[5] See Linda C. Reif, *The Ombudsman, Good Governance and the International Human Rights System*, pp. 2, 8, 14 and 25; also IOA (www.ombudsassociation.org/Resources/Frequently-Asked-Questions.aspx).

individual, issue or interest, nor does he or she represent any side in a dispute, conduct formal investigations, participate in formal justice processes or write case reports. The organizational ombudsman may submit reports to high-level management containing statistics on the activities of the office, trends, systemic problems and organizational issues.[6]

14. The review considered the functions of the organizational ombudsman within this definition. The Inspector did not consider it relevant to change the definition or to enhance the role of or attribute any additional powers to the organizational ombudsman.

D. International environment and professional networks

15. There are a number of professional networks for different types of ombudsmen, including organizational ombudsmen, which operate in parallel in different regions. The ombudsmen at most of the United Nations system organizations consider the International Ombudsman Association (IOA) as their primary orientation point. Some explicitly state in their statutory documents or other publications that their activities are based on or follow IOA Code of Ethics and aspire to apply IOA Standards of Practice, while others refer to the IOA documents indirectly. While IOA ethical principles and standards of practice represent a fundamental point of reference for the ombudsmen at United Nations system organizations, the Association was not created specifically for the United Nations system ombudsmen. Its membership and ways of operation are much broader than the United Nations system. However, as there are no equivalent standards within the United Nations system, and given that many United Nations ombudsmen are members of IOA, the Inspector decided to use IOA standards as a point of reference for the review.

16. According to IOA Code of Ethics, the ethical principles governing the work of an ombudsman are independence, neutrality and impartiality, confidentiality and informality. IOA has promulgated a Code of Ethics, Standards of Practice and Best Practices, the latter supplementing the Standards of Practice and intended to guide the practices of the organizational ombudsman, as distinguished from other types of ombudsmen.[7]

17. "The Ombudsman shall be truthful and act with integrity, shall foster respect for all members of the organization he or she serves, and shall promote procedural fairness in the content and administration of those organizations' practices, processes and policies".[8]

[6] See Linda C. Reif, *The Ombudsman, Good Governance and the International Human Rights System*, pp. 38-39; also IOA (www.ombudsassociation.org/Resources/Frequently-Asked-Questions.aspx).

[7] See "IOA Best Practices: A supplement to IOA's Standards of Practice", v.3 (October 2009), p. 1.

[8] See IOA Code of Ethics.

Box II: Ethical Principles[9]

The Ombudsman:

(a) is INDEPENDENT in structure, function and appearance to the highest degree possible within the organization;

(b) as a designated NEUTRAL, remains unaligned and IMPARTIAL, and does not engage in any situation which could create a conflict of interest;

(c) holds all communications with those seeking assistance CONFIDENTIAL, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm;

(d) as an INFORMAL resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.

II. Evolution of the institution of organizational ombudsman in the United Nations system

A. Office of the Ombudsman and the administration of justice system in United Nations system organizations

18. Workplace conflict is unavoidable. However, if the situation is left untreated, the consequences can be debilitating: the individual's productivity diminishes, interpersonal relationships deteriorate and, in some cases, entire teams become completely paralysed. Productivity lost as a result of disputes is a cost to the organization.

19. Disputes arise between employers and employees in any environment. International organizations have created internal dispute-resolution systems that comprise a formal administration of justice system (management evaluation, a dispute tribunal, an appeals tribunal, staff legal assistance) and an informal system (an ombudsman, mediation services, staff counsellor). Staff should first seek a dispute settlement through the informal system and only if that is unsuccessful to pursue the matter through the formal system. The formal system proceedings are legal proceedings and are slower and more expensive than informal solutions.[10]

20. United Nations staff are hired from a wide spectrum of countries and cultures and cannot file employment-related claims against the organization in national courts, since the United Nations has the status of an international organization. In order to deal with internal disputes and disciplinary matters arising in the United Nations workplace, the General Assembly, acting on a proposal made by the Secretary-General, which was based on the recommendations of an external panel of

[9] Ibid.

[10] See Linda C. Reif, *The Ombudsman, Good Governance and the International Human Rights System*, pp. 337-338.

experts,[11] decided to introduce a new system of administration of justice for the United Nations. The internal justice system is intended to address situations where staff feel that their rights have been violated and the rules of the Organization have not been respected. It is a fundamental right of staff at all levels to have recourse to an internal justice system. Although staff can bring any matter to the formal justice system, pursuing an informal resolution through negotiation, mediation and other alternative means is strongly encouraged as a first step.[12]

21. Informal conflict resolution in the United Nations system is varied. Some organizations have established dedicated ombudsman offices, while others provide dispute and conflict resolution services through their ethics offices, mediators or specific units within human resources management. The practice followed is influenced by the size, mandate and operational circumstances, including the thinking of senior management of the organization.

22. The General Assembly, through its resolutions, recognized that the informal resolution of conflict was a crucial element of the system of administration of justice, as well as an efficient and effective option for staff seeking redress for grievances, and emphasized that all possible use should be made of the informal system in order to avoid unnecessary litigation. The Assembly also recognized that the strengthening of the informal system may reduce recourse to the formal system, thereby avoiding unnecessary litigation.[13] Ombudsman offices provide confidential, off-the-record, impartial and informal assistance to resolve disputes relating to employment at an early stage of conflict and, through its activities, contribute to avoiding serious conflict situations.

23. If a staff member considers that an administrative decision violates his or her rights as an employee of the United Nations, contesting that decision through the formal mechanism would involve a lengthy process that may include request for a management evaluation, application to the Dispute Tribunal, appeal to the Appeals Tribunal and legal assistance.

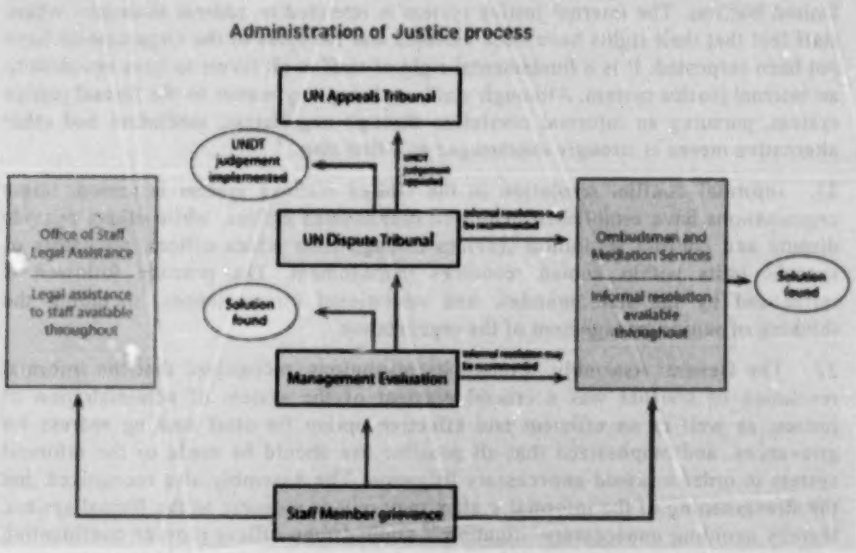
24. The relations and possible interactions between the formal and the informal parts of the administration of justice system are illustrated below, based on the example of the system established for the United Nations Secretariat and its fund and programmes. The administration of justice system in the specialized agencies is similar although the bodies of the formal system are different.

[11] See A/61/205.

[12] See "A guide to resolving disputes: Administration of justice in the United Nations" (New York, 2009), available from www.un.org/en/oaj/unjs/pdf/guide_to_resolving_disputes_en.pdf.

[13] See General Assembly resolutions 61/261, paras. 11-18; 62/228, paras. 22-32; 63/253, paras. 17-25; 64/233, para. 10; 65/251 paras. 11-29; 66/237 paras. 15-22; 67/241, paras. 21-30; 68/254, paras 16-24; and 69/203, paras. 14-24.

Figure I



Source: "A guide to resolving disputes: Administration of justice in the United Nations" (New York, 2009)

B. Evolution of the function of organizational ombudsman and misconceptions about its role

25. The function of the organizational ombudsman has evolved over the years in United Nations system organizations. Originally, the focus of the ombudsman was mainly providing services to staff to resolve workplace conflict through informal means and advising staff about their options. Although the preparation of annual reports on the types and number of cases handled was done from the very beginning of the mandate, over time, it evolved to include analysis of the root causes of conflict and identification of systemic issues. Owing to their broad understanding of the organizational culture and their unique position of being the "eyes and ears" of the organization, some ombudsmen make recommendations for change in policy or practice in relation to the systemic issues identified. As a result, the ombudsman is also emerging as an agent of change. The role of the ombudsman today is to promote and support conflict management and conflict prevention. The ombudsman also participates in induction training of new staff and training of existing staff and management.

26. Although the ombudsman is a position created by the organizational authority, in order to be effective, it must be independent. Independence is not only necessary in fact, but the ombudsman must also be perceived as being independent. The ombudsman also operates under the principles of neutrality and impartiality, confidentiality and informality. Lack of understanding of the role of the ombudsman and the principles guiding his or her work can negatively affect staff and management expectations of the role of the office and the service it is supposed to

provide. Frequently, the role of the organizational ombudsman is confused with that of a classical ombudsman. Although the two functions are similar in some ways, a classical ombudsman has the authority to investigate complaints, assess behaviours and, to a certain extent, exercise executive power to enforce actions. An organizational ombudsman does not and cannot fulfil such a role.

27. Staff representatives in some organizations expect the ombudsman to advocate for staff and to make a pronouncement when the administration is not "fair" or "right". Some staff representatives even view the ombudsman as direct competition in their fight to uphold the rights of staff or consider the ombudsman a "lion without teeth" and therefore an unnecessary institution. Similar views were also expressed by some human resources managers.

28. On the other hand, there is a degree of overlap and complementarity in the roles of human resources management, staff representatives and the ombudsman, which all play a role in providing assistance to staff to address issues in the workplace as well as to identify the root causes of those issues. Part of ombudsmen's frustration is that when they point out issues, they are often expected to fix them; however, that is not their role. Resolving such issues would inevitably breach their operating principles. Those misconceptions blur the value-added of the ombudsman function.

C. Mapping of the ombudsman function in the United Nations system organizations

29. Services of organizational ombudsman are provided in different modalities in 19 out of 28 JIU participating organizations. An overview of those services, including the human and financial resources allocated is provided in annexes I and II. The remaining organizations do not have internal ombudsman offices, but some provide such services to their employees through contracted partners.

30. The United Nations Ombudsman and Mediation Services (UNOMS) has a decentralized structure. In addition to its Ombudsman at Headquarters, it has regional ombudsman practitioners in seven locations (Bangkok, Entebbe, Geneva, Khartoum, Kinshasa, Santiago and Vienna) to better serve field staff and staff away from Headquarters. UNOMS is the largest ombudsman office in the United Nations system and the only one that has an integrated Mediation Division. In 2013, the Office dealt with 1,605 cases, representing approximately 3.6 per cent of total United Nations staff.

31. The Office of the Ombudsman for United Nations funds and programmes is centralized at Headquarters. The Office carries out site visits to serve field staff. In 2013, the Office dealt with 340 cases, which is approximately 1.5 per cent of the total workforce. The Office of the Ombudsman for UNHCR handled 134 cases in 2013, or approximately 1.5 per cent of its total workforce. The Office does not have regional ombudsmen and relies on visits by the main ombudsman to serve field staff. Given the dispersed locations of their staff, UNHCR, the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP) developed a network of Respectful Workplace Advisors to offer the possibility for face-to-face assistance for informal conflict resolution to their staff in the field and away from headquarters.

32. The Office of the Ombudsman at WFP does not have regional ombudsmen; however, it has introduced RWAs and promulgated guidelines for their appointment in WFP country offices.[14] WFP also engages retired WFP managers to assist the ombudsman with confidential mentoring of supervisors who voluntarily agree to be supported in preventing and managing workplace conflicts.[15] In 2013, the Office handled 356 cases, or 2.5 per cent of the programme's workforce.

33. The Ombudsman of the Food and Agriculture Organization (FAO) is a recently introduced institution. The function, which is combined with the duties of the Ethics Officer, was established based on the 2007 recommendation by an independent external evaluation and has been operational since 2014. The review found that holding the two posts at the same time may compromise the ombudsman's informal role and raise questions about conflict of interest, independence and informality. In addition, the responsibilities and obligations of the two functions may contradict each other if the Ethics Officer has compliance-related functions (for example, protection against retaliation, financial disclosure and so on), while the attraction of the ombudsman's function is that issues can be discussed in confidence and courses of action can be decided in an independent manner. FAO Ethics Officer does not have an investigative role nor does he or she participate in prima facie reviews of requests for protection against retaliation. FAO Ethics Committee expressed the general view that the exercise of the two functions by the same office could be facilitated by the fact that neither of the functions warranted the conduct of investigations, which could have increased the risks of incompatibility and conflict of interest.[16]

34. At the International Civil Aviation Organization (ICAO), the role of ombudsman is performed by an existing ICAO staff member who is released from his or her duties when called upon as ombudsman. The function does not have a budget. In 2013, the ombudsman dealt with 146 cases, which represents approximately 21.6 per cent of the workforce. No specific level has been determined for the ombudsman function, since the level depends on the individual's primary post at ICAO.

35. The International Labour Organization (ILO) has a Mediator, not an ombudsman; however, according to the terms of reference, the functions of the Mediator are the same as those of an organizational ombudsman. The ILO Mediator uses a system of facilitators (similar to the concept of RWAs) to serve field staff. In 2013, the Mediator dealt with 126 cases, representing 4.4 per cent of the organization's workforce.

36. The Ombudsman of the World Health Organization (WHO) is located at its headquarters and serves the staff of WHO headquarters, the International Computing Centre, the Joint United Nations Programme on HIV/AIDS (UNAIDS), the International Agency for Research on Cancer (IARC), and some WHO liaison offices. The staff at WHO regional and country offices may request access to the WHO Ombudsman, although regional offices have ombudsmen. The Ombudsman of WHO Regional Office for the Americas (WHO/AMRO), the Pan American Health

[14] See WFP, "Guidelines for appointing respectful workplace advisors in country offices" (updated 6 November 2012).

[15] See WFP, "Retiree-sourced mentoring initiative of the Office of the Ombudsman" (17 April 2014).

[16] See: FAO, Ethics Committee Annual Report 2014 (CCLM 100/2 Rev.1), para. 9.

Organization (PAHO), works part time (75 per cent),[17] but serves strictly as an ombudsman. Staff of other regional offices have access to collateral duty ombudsmen.

37. Although the description of the functions of collateral ombudsmen is framed in such a way as to avoid a conflict of interest with their other roles, they are not professional ombudsmen. Furthermore, the regional ombudsman operations are not harmonized across WHO. The organizational links between the Ombudsman at WHO headquarters and the regional ombudsman officers are practically non-existent or extremely weak. However, it is to be noted that the operation of the informal and formal systems of administration of justice at WHO was reviewed recently and the suggested changes are under consideration by management. WHO headquarters Ombudsman handled 152 cases in 2013, or 4.7 per cent of total staff.

38. In 2013, the Ombudsman of the World Intellectual Property Organization (WIPO) dealt with 113 cases, which represented approximately 9 per cent of the total workforce.

39. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has a mediation mechanism with four mediators appointed from among UNESCO retired staff, who provide services on a voluntary and part-time basis. The International Telecommunication Union (ITU) has two employees who are nominated and serve as mediators in addition to their regular duties. The World Meteorological Organization (WMO) outsources its mediation services. The mediation services at the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) are run by a 14-member panel of mediators. IAEA does not have an ombudsman but is currently reviewing a proposal to establish an ombudsman function. The World Tourism Organization (UNWTO), being a headquarters-based organization with 96 employees, encourages its employees to contact the Human Resources Department for any conflict requiring resolution. The International Maritime Organization (IMO) directs its 300 staff complement to the Staff Committee and five mediators who act as the informal dispute-resolution mechanism. The United Nations Industrial Development Organization (UNIDO) considered, but did not establish a part-time organizational ombudsman function, owing to sudden budget cuts. It also considered sharing the function with the United Nations Secretariat, but decided that some of the informal conflict resolution tasks could be performed internally by other offices. UNIDO introduced a 360-degree performance review system, which it claims has significantly reduced the number of issues and complaints.

40. The motivation for an organization to establish an ombudsman function comes primarily from an examination of its existing informal dispute resolution system, its effectiveness and the number and cost of cases brought to the formal system. During the review, staff associations and senior management across the United Nations system emphasized the value of the informal conflict resolution mechanism, in particular the ombudsman, for dealing with conflicts in an inclusive and cooperative way. This was further supported by the results of a survey conducted by ILO on

[17] WHO/AMRO-PAHO ombudsman (P5) is supported by a part-time (75 per cent) Assistant (G5) and has a non-staff budget of US$ 153,000 for the period worked. It handled 135 cases, or approximately 7 per cent of the workforce, in 2014.

resolving employment disputes in international organizations,[18] which showed that organizations without any informal dispute resolution function received on average twice as many grievances per year as the organizations with at least one mechanism, and six times more grievances than organizations with both an ombudsman and a mediation mechanism. The survey results indicated that for an organization with a staff complement of 2,500, that would represent approximately 40 grievances per year instead of 6.5 to 20 grievances, depending on the number of informal conflict resolution mechanisms in the organization.

41. United Nations system organizations that do not have an established ombudsman function are usually relatively small in terms of their workforce. Although, as communicated in interviews, their management sees value in having a full-time ombudsman, the number of staff and the size of their budget may not be able to support a full-time function. One alternative is to hire a part-time ombudsman; however, retaining an individual on a less than full-time basis is a challenge. Some organizations believe that smaller entities would best be served if the ombudsman function was shared with other organizations, similar to the model used by the United Nations funds and programmes. At the same time, the review found that senior management was quite reluctant to use a "shared ombudsman" because of concerns that sharing internal workplace disputes could negatively affect the reputation of an organization.

42. When making the decision to offer ombudsman services, an organization considers its size, the number of staff and the critical mass of potential cases. Even though there is no rule as to how many cases an ombudsman can handle or how many cases will come up against an organization, some statistics and interviews with ombudsman practitioners showed that one ombudsman could, depending on tasks other than individual case management, handle a maximum of 200 cases a year.[19] International practice indicates that an organization operating under normal circumstances can expect to have, on average, from 1 to 5 per cent[20] of its staff seeking ombudsman services annually. Given those broad benchmarks, an organization with approximately 2,500 staff may want to consider employing a full-time ombudsman. Organizations with 1,000 or more staff may want to consider employing a part-time ombudsman or providing a joint service with another organization. **Thus, UNRWA (more than 30,000 staff) is well above and IAEA (2,500 staff)[21] and UNESCO (2,073 staff)[22] are on the threshold of needing an ombudsman; a thorough review and analysis of their present informal conflict resolution mechanisms is desirable.**

[18] The survey was launched in 2014 with the aim of collecting background information from organizations participating in the conference on best practices in resolving employment disputes in international organizations, held at ILO in September 2014. Thirty-six international organizations replied to the survey.

[19] Marie Bombin, "Methods used in evaluating the ombudsman function of an international organization" *Journal of the International Ombudsman Association*, vol. 7, No. 2 (2014), pp. 9-27.

[20] See "Effectiveness of Organizational Ombudsmen", *The Ombudsman Association handbook*, chap. IV (courtesy of Mary Rowe), available from www.ombudsassociation.org/IOA_Main/media/SiteFiles/effectiveness_final-6_TOA.pdf.

[21] See www.iaea.org/about/staff.

[22] See http://en.unesco.org/careers/sites/careers/files/HR_Statistics.pdf page 3.

III. Legal regulations of the Ombudsman function

43. There are at least two preconditions for success of any function: the role and scope of the function should be clearly established; and the constituency concerned should be informed and educated accordingly. With regard to the ombudsman function, there should be an elementary document, such as terms of reference, a circular or an office instruction, setting out the mandate of the ombudsman. According to IOA Standards of Practice, each organization that establishes an ombudsman office should ensure that the office has a charter or terms of reference approved by senior management that enables the ombudsman to function according to the standards of practice and the core principles of independence, impartiality and neutrality, confidentiality, and informality.

44. All ombudsman functions at United Nations system organizations have approved terms of reference or equivalent document(s), except for FAO where the ombudsman function is recent and the draft terms of reference are under consideration by management. The terms of reference of only three ombudsman offices in United Nations system organizations have been issued or updated in the last 10 years. Most terms of reference of United Nations ombudsmen were formulated more than a decade ago and are in urgent need of updating (see annex I). The terms of reference of the integrated Office of the United Nations Ombudsman and Mediation Services (UNOMS) is a special case. Despite repeated calls by the General Assembly, (see box III), the Secretary-General, the executive heads of the funds and programmes and UNHCR have not yet finalized and promulgate the revised terms of reference of the Office.

Box III: Terms of reference of UNOMS

The Office of the Ombudsman of the United Nations Secretariat was established pursuant to General Assembly resolutions 55/258 and 56/253 and has since been operating under the 2002 terms of reference (ST/SGB/2002/12). The Office of the Ombudsman of the United Nations funds and programmes operates in accordance with terms of reference drafted in 2002 for the Office of the Joint Ombudsperson UNDP/UNFPA/UNICEF/UNOPS, while the Office of the Ombudsman of UNHCR functions in accordance with terms of reference drafted in 1993 for the Mediator, who was subsequently renamed Ombudsman.

A single integrated and geographically decentralized ombudsman office for the United Nations Secretariat, funds and programmes and UNHCR was created further to General Assembly resolution 62/228 and named the United Nations Ombudsman and Mediation Services (UNOMS). It comprises three pillars: the United Nations Ombudsman, the Ombudsman for the funds and programmes and the Ombudsman of UNHCR.

Revised terms of reference for the integrated office requested by the General Assembly in its resolution 62/228 was the subject of consultations involving staff and management, funds and programmes and UNHCR. However, in its resolution 65/251, the General Assembly again requested the Secretary General to report to it on the outstanding revised terms of reference. At the time of writing of the present report, the revised terms of reference of UNOMS had still not been finalized.

The delay in the promulgation of the new terms of reference arises from various issues, the chief ones being the interpretation of the role of the United Nations Ombudsman in UNOMS; the term of his or her appointment; and the funding of the integrated office. While the Inspector understands that the approval process requires extensive consultations with all stakeholders, the long delay is a matter of concern.

According to the original terms of reference (ST/SGB/2002/12), the United Nations Secretariat Ombudsman shall be appointed at the Assistant Secretary-General level for a non-renewable five-year term, after which he or she shall be ineligible for any other appointment in the United Nations. However, the General Assembly in its resolution 65/251 decided to set the term of the Ombudsman at five years, renewable once (para. 16). The procedure for appointment by the Secretary-General, after consultation with the staff, remains unchanged.

The General Assembly did not address the funding of the integrated office in its resolution 62/228 in which it decided to create the office. Since there is no cost-sharing arrangement, the funds and programmes and UNHCR continue to operate independently. The two ombudsman officers covering the funds and programmes and UNHCR Ombudsman are appointed separately and hire their own staff. The three pillars of the integrated UNOMS coordinate and collaborate with each other, mostly in terms of reporting and using a common case database.

45. Considering the evolution of the ombudsman function, in the absence of an up-to-date document broadly governing the activities of the office of ombudsman, in many aspects, its operations tend to be based on established practice. Therefore, not only it is necessary to update the old terms of reference, but the content of existing documents should also be enriched to better reflect internationally agreed principles and standards of practice of the ombudsman. That would decrease and possibly eliminate some of the problems relating to the implementation of the terms of reference. An overview of the areas which the Inspector consider to be most in need of improvement is provided in paragraphs 46 to 57 below. Some of the related issues are dealt with later in the report.

Establishment of the ombudsman's office

46. In several cases, the formulation of terms of reference of the ombudsman is not comprehensive: they either contain ambiguities or are silent on important determinants of the function. A clear definition of the purpose of the office of ombudsman, its objectives, its location in the organizational structure, the administrative support provided and organization's rules and regulations guiding the ombudsman would add clarity to understanding the function. The terms of reference have particular importance in the light of the evolution and emergence of new functions that the ombudsman service may be expected to fulfil.

47. Content analysis of existing terms of reference indicates that a clear distinction needs to be made between the administrative reporting line and accountability for substantive activity (see paragraphs 53 to 57 below on duties and operating principles). While administrative support can be provided solely by a designated unit (usually the office of the (deputy) executive head), accountability of the

ombudsman and appraisal of the ombudsman performance should be based on a participatory process that includes both management and staff. Restricting the reporting line to management only fuels the perception that the ombudsman is a representative of management. The ombudsman's duty to report on systemic issues needs to be better articulated, and an open avenue for the ombudsman to report to the governing body of the organization should be made possible.

Appointment of the ombudsman[23]

48. The appointment of the ombudsman should be regulated and executed in such way as to clearly indicate that he or she is not subordinate to senior management of the organization. The appointment and dismissal process, the mandate and contractual terms under which the ombudsman is employed are treated in very different ways from one organization to another. Lack of clarity or contradictory provisions in terms of reference undercut or weaken the efficient functioning of the ombudsman. The Inspector found this to be the most critical area in need of improvement. Different aspects in the appointment provisions could be strengthened to ensure that the ombudsman is, and is also perceived as being, independent, neutral and impartial, by:

(a) Opening the appointment process to external and internal candidates with professional experience in conflict resolution as a requirement (see chapter IV, section A);

(b) Ensuring direct participation of staff representatives on the recruitment panel;

(c) Including an external ombudsman on the recruitment panel;

(d) Equating the duration of the ombudsman's employment contract to the length of his or her term;

(e) Limiting the ombudsman's appointment to one term, unless the decision-making process on reappointment includes both staff and management;

(f) Restricting subsequent employment in the organization to after a specific period of time (for example, close to or equivalent to the initial term of office).

49. Expressions such as "in consultation with", "following input from", or "in agreement with" to describe the involvement of staff representatives in the ombudsman appointment process may appear satisfactory in a written document; however, in the absence of a common understanding of what they mean in practice, the process will not be improved. The Inspector found the procedure adopted by the Secretary-General in the recruitment of the United Nations Ombudsman in 2008 inclusive and transparent (see A/62/294, paras. 47-48). External candidacies were sought from Member States and relevant professional associations, and a selection committee composed of staff and management representatives as well as outside ombudsmen submitted a shortlist of candidates to the Secretary-General, participated in the interviews and made final recommendations. The Secretary-General then appointed an ombudsman in consultation with the executive heads of the funds and programmes. The Inspector suggests that the procedure be included in the revised terms of reference of UNOMS.

[23] This refers to the appointment of the organizational ombudsman, not regional ombudsmen or staff of the ombudsman office.

50. At present, there are different practices and opinions as to the length of the ombudsman's term, ranging from two to five years. However, the Inspector found that there was consensus that the length of the term should allow the ombudsman enough time to learn about the organization, gain the trust of the stakeholders and carry out his or her duties over an adequate period of time. Some management representatives interviewed considered it inconceivable to issue an appointment of the same duration as the term of the ombudsman, e.g. five years, arguing that since the current contractual framework was tied to the budgetary framework, it did not allow exceptions to the existing one- or two-year contracts. They also argued that the extension of the ombudsman's contract was only an administrative procedure. Nonetheless, through interviews with practicing ombudsmen in the United Nations system, the Inspector found that they all have concerns as to whether their contracts would be extended.

51. Other management representatives interviewed found the Inspector's argument valid and agreed that the organizational ombudsman is a unique function in an organization that is expected to perform and deliver in a different way from any other function. Hence, they felt that the appointment of an ombudsman should be given a different treatment in all aspects, including the contractual aspect. Some United Nations system organizations have already managed to make specific decisions to serve the purpose, without changing their general contractual practice. **The Inspector strongly believes that all organizations should find a legal solution enabling them to match the duration of ombudsman's contract with the length of the initial term.**

52. Additional safeguards regarding continuation of employment could be put in place by formulating criteria for dismissal, for example, that the ombudsman may only be dismissed for neglecting his or her duties or gross misconduct, and not as a consequence of recommendations made or political reasons. The ombudsman should also be protected from retaliation. The decision-making process to dismiss an ombudsman should also involve both management and staff representatives.

Duties and operating principles of the ombudsman

53. The terms of reference of the ombudsman should clearly express the operating principles and standards of practice under which the ombudsman functions. Although most of the duties and operating principles of the ombudsman are well defined in existing terms of reference, the review identified provisions that need to be improved. Box IV below contains examples of provisions in existing terms of reference of ombudsmen in United Nations system organizations.

Box IV: Duties and operating principles of the ombudsman

Operating principles and standards of practice: The ombudsman operates under the principles of independence, neutrality and impartiality, confidentiality, informality, justice, fairness and objectivity.

Confidentiality: All interactions with the ombudsman are confidential, which may be waived only with the consent of the individual concerned and at the sole discretion of the ombudsman. The ombudsman is not obligated to testify and is exempt from reporting on activities that constitute a violation of the law, fraud, gross waste of funds or malfeasance, but can advise employees of their duty to report such activities through established channels.

Exceptions to the confidentiality principle: The ombudsman shall uphold strict confidentiality, except when, at his or her sole discretion, there appears to be an imminent threat of serious harm.

Access to the executive head: The ombudsman has direct access to the executive head of the organization.

Access to staff records: The ombudsman has access to all records concerning staff, except for medical records and the records about an ongoing legal proceeding.

Authority: The ombudsman may consider conflicts of any nature relating to conditions of employment, administration of benefits, managerial practices, workplace and staff relations, and may, at his or her discretion decline to consider a conflict.

Access to the ombudsman: Any party experiencing a conflict may access the ombudsman on a voluntary basis. All staff shall be informed on how to contact the ombudsman. There will be no reprisals against staff because of their contact with the ombudsman.

Ombudsman's services: The ombudsman is neutral. He or she does not advocate for any party nor have decision-making powers nor exercise managerial duties, except those required for the running of the ombudsman office, nor conduct investigations. The ombudsman provides advice on options and suggests actions to be taken to settle conflicts.

Appeal process: The ombudsman may request an extension of the time limit for appeal, once a case has gone to the formal system.

Reporting: The ombudsman reports regularly (usually on an annual basis) to the executive head of the organization, providing an overview of his or her activities, identification and analysis of systemic issues, comments on policies, procedures and practices and recommendations.

Performance evaluation: The ombudsman is not subject to a formal performance evaluation. Alternative evaluation of the function is carried out through client satisfaction surveys and periodic peer reviews.

Training and professional development: The ombudsman shall receive appropriate and ongoing training pertinent to the execution of the function.

54. The ombudsman is required to report periodically (usually on an annual basis) summarizing his or her activities and case management for the reporting period, identifying systemic issues and making recommendations. Although it is not required by the terms of reference, most ombudsman offices publish their annual reports on the intranet site of the organization. The Inspector is of the view that amending the terms of reference to require that the ombudsman's report be made public and not reserved for senior management only would reduce the risk of the ombudsman being perceived as part of management. Similarly, appraisal of the ombudsman's performance should involve all stakeholders, in particular when it determines the renewal of the ombudsman contract.

55. The review found that the most balanced terms of reference is that of the ILO Mediator (who functions as ombudsman), in accordance with which the Mediator reports annually to the Joint Negotiating Committee[24] on his or her activities, the assessment by staff of the mediation and facilitation mechanisms and expenditure of the budget allocated to the office. Given the nature of the Committee and the reporting requirements, this system provides excellent conditions for ensuring the accountability of the ombudsman, without compromising any of his or her operating principles and standards.

56. Existing terms of reference of ombudsmen in United Nations System organizations contain some of the above-mentioned provisions, either partially or entirely, but in a number of organizations, the basic documents defining the ombudsman function either lack information or contain an ambiguous formulation that leaves too much room for interpretation.

57. The implementation of the following recommendation is expected to strengthen the enabling environment of the ombudsman's function and enhance its efficiency.

Recommendation 1

The executive heads of the United Nations system organizations, in consultation with staff representatives and the existing Ombudsmen, should review, update and disseminate across their respective organizations the terms of reference of the ombudsman, giving due consideration to the direction provided by the present report and using a staff-management consultation mechanism.

IV. Functional landscape of the organizational Ombudsman

A. Is an ombudsman necessary in an organization? When and what kind?

58. As stated in paragraphs 40 to 42 above, an organization may want to consider establishing an ombudsman function when its workforce reaches approximately 1,000. A part-time or shared ombudsman function can be set up in an organization of that size. Once the staff level reaches approximately 2,500, thorough consideration should be given to appointing a full-time ombudsman.

59. International standards[25] and the Inspector's interviews confirm that combining the ombudsman function with other functions in the organization or creating a collateral duty ombudsman position is not an effective way to offer an

[24] ILO and its Staff Union agreed to create a Joint Negotiating Committee composed of an equal number of representatives, not exceeding six, on each side, unless the parties decide otherwise. The Committee nominates joint Chairpersons, one representing the Staff Union, the other the Organization. For more information on JNC, see www.ilo.org/public/english/staffun/docs/accrec.htm.

[25] See IOA Standards of Practice, 2.3: "The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization".

organizational ombudsman service. The ombudsman should be a stand-alone function, with no other duties in the organization.[26] Some organizations also consider whether to hire an internal or an external candidate. In the Inspector's view, the educational background and professional experience of the organizational ombudsman is more important.

60. The Inspector found varying practices in use. Some organizations appoint an internal candidate such as a staff member who is close to retirement to perform the ombudsman function as their last assignment. Other organizations prefer to hire an external candidate in order to ensure full objectivity and impartiality. The educational requirements of the ombudsman in recent vacancy announcements of United Nations system organizations usually call for a Master's degree in social science, law, public health, human relations, public or business administration or management, while training or equivalent experience in informal conflict resolution or mediation in an international environment is considered a desirable asset.

61. While recognizing the value of appointing an internal candidate (staff member) as ombudsman, given his or her familiarity with the organization, its staff and clients, and its regulations and rules, the Inspector cautions against appointing an internal candidate who does not have professional experience in conflict resolution. Saving the time that an external candidate would need to learn about the organization might not outweigh the cost of appointing an inexperienced internal candidate who is not familiar with alternative dispute resolution techniques. In addition, internal candidates come with their own baggage, perceptions and relationships, and if inexperienced, will need to invest time in shifting their way of thinking, developing trust, overcoming their deference to authority, and so on. **In the Inspector's view, the organizational ombudsman services require a strong professional approach and the position should be open to all candidates. The emphasis should be on candidates' qualifications and experience in informal conflict resolution, instead of whether they are an internal or external candidate.**

B. Awareness of organizational ombudsman services

62. Ensuring that the staff of the organization are aware of the existence of their organizational ombudsman and that they correctly understand the role and services provided by the ombudsman is a shared responsibility of all stakeholders: the ombudsman, management and staff unions and associations. The more familiar the staff are with the organizational ombudsman's function and the better they understand the services his or her office provides, the more likely are they to approach the ombudsman to address conflict situations at an early stage.

63. In terms of measuring the staff's awareness of the organizational ombudsman services, the review was only able to rely on information obtained during interviews with ombudsmen, human resources management, staff council representatives, responses on a small number of client satisfaction surveys carried out by ombudsman offices and a few global staff surveys (UNDP and UNFPA) which included questions related to informal conflict resolution. The inclusion of questions

[26] In FAO, ICAO and WHO regional offices (except in AMRO/PAHO), ombudsman is not a stand-alone function.

relating to the organizational ombudsman services in global staff surveys would help to measure the level of awareness of the function more precisely and the replies to the questions would be essential in planning awareness-raising activities in the organization. The current sporadic data, coupled with the statistics on the number of visitors to the ombudsman office, which in most organizations (see chap. II, sect. C), indirectly indicates that **staff are generally aware of the existence of the organizational ombudsman's office.**

64. There are various means through which staff are informed of the existence of an ombudsman function in their organization: the terms of reference of the ombudsman may be published in internal circulars, memoranda or other communications; the link to the ombudsman office intranet or web page may be on organizations' intranet or websites, and so on. The review found that the effort invested in publicizing the ombudsman function varied among stakeholders.

65. Each **ombudsman** devotes a significant amount of time disseminating information about the activities of the office and making his or her role and function known to the staff at large. This is done systematically through various forms of communication, including posting articles on their websites with links to other sources of information relating to informal conflict resolution; organizing workshops; giving conflict resolution and skill-building presentations; participating in induction and other training for staff; distributing brochures or flyers (in paper and electronic formats); broadcasting by e-mail; or providing information in meetings of the staff association and senior management.

66. **Management's** efforts are less systematic. Organizational ombudsmen in the United Nations system organizations operate in environments with abundant policies, rules and regulations. However, only some staff rules and regulations refer to the ombudsman function or informal conflict resolution in general.[27] Promoting the role of the ombudsman office in that way may contribute to making staff aware of its existence and provide more visibility of ombudsman. Some organizations invite their Ombudsman to participate in staff induction courses to provide general information on the system of administration of justice. Organizations can and should do more to raise awareness about the ombudsman function among staff in general and management in particular, so as to ensure that they understand the role and purpose of the function correctly and use it for informal conflict resolution. Training programmes for managers should include a module on conflict prevention, conflict management and information about the ombudsman services.

67. **Staff unions and staff associations** do the least to promote the ombudsman services. The most positive example of staff association and ombudsman cooperation is when, with the consent of the persons concerned, they collaborate on individual cases or systemic issues. However, very rarely do they promote the ombudsman services to the staff at large. The review found cases in which staff

[27] For example, United Nations Staff Rule 11.1 refers to informal conflict resolution and the Office of the Ombudsman. Consequently, staff of all the entities (ITC, UNCTAD, UNDP, UNEP, UNFPA, UN-Habitat, UNHCR, UNICEF, UNODC, UNOPS and UN-Women) governed by the United Nations Staff Rules should know about the existence of the Ombudsman. Similarly, ICAO Staff Rule 101.16 and Staff Regulation 1.16 and WIPO Regulation 11.3 refer to their respective Ombudsman. Article 13.1 of ILO staff rules on informal conflict resolution recommend the use of its mediation mechanism. UNRWA Rules for Area and International Staff propose informal resolution of issues relating to employment or terms of appointment.

associations viewed the ombudsman as a quasi-competitor. The Inspector considers that a missed opportunity in informal conflict resolution and suggests that regular dialogue take place between staff associations and the organizational ombudsman, especially on systemic issues.

68. The question of whether the ombudsman's constituency correctly understands his or her role is more complex. The review found that although the role of the ombudsman is frequently well-defined in documents, the ombudsman serves a staff population that generally does not understand the role of the function. As explained in chapter II.C, staff are often more familiar with the role and function of the classical ombudsman and base their expectations of the organizational ombudsman on that model. False expectations thus prevent them from using the service to its full potential.

69. The implementation of the following recommendation is expected to enhance the effectiveness and efficiency of organizational ombudsman services.

Recommendation 2

The executive heads of the United Nations system organizations, in cooperation with the ombudsman offices, should include questions relating to the ombudsman service in staff surveys and responses should be used by management, staff associations and the ombudsman office to increase staff awareness and promote a better understanding of the ombudsman function in the organization.

C. Access to ombudsman services

70. Who has access to the ombudsman services is generally well defined in the terms of reference of the ombudsman of most organizations. This usually means anyone who has a contract with the organization. In the United Nations Secretariat, the ombudsman's mandate does not extend to non-staff personnel; however, individual contractors, consultants and other categories of non-staff personnel often contact the Office seeking informal resolution of their grievances. On an exceptional basis, and when feasible within existing resources, the United Nations Secretariat Ombudsman provides limited services to non-staff. The Inspector welcomes this flexibility and points out that non-staff personnel are hired to perform services for the organization and they engage with United Nations staff in the course of their work. Therefore, non-staff grievances inevitably affect the organization and may result in reduced efficiency if left untreated. Some organizations allow all their employees, that is, anyone (staff and non-staff) who has a contract with the organization, access to the ombudsman, which is a more productive approach.

71. Individuals can contact the ombudsman in person; by telephone; by e-mail; or by arranging a video call. Persons working at the headquarters of organizations with an ombudsman are privileged as they have the possibility of visiting the office in person. All ombudsman practitioners interviewed indicated that visitors clearly prefer in-person contact. One ombudsman observed that the satisfaction rate with the service provided is higher when a visitor has a person-to-person interaction with

the ombudsman. The Inspector encourages organizational ombudsmen in the United Nations system organizations to consider the relationship between the possibility of in-person access to the ombudsman and client satisfaction rates.

United Nations Secretariat

72. The possibility for field staff to access an ombudsman in person varies. United Nations Secretariat staff benefit from the decentralized structure of UNOMS with its system of seven regional ombudsmen. The system enables the Office to bring its services closer to its clients. There is obviously a demand for a regional ombudsman presence as witnessed by the fact that the number of visitors is higher in locations where the regional ombudsman is present on a permanent basis than in locations to which a regional ombudsman travels occasionally.

73. The regional ombudsmen report to the Office on a quarterly and annual basis on identified systemic issues, trends and patterns observed and outreach activities, and hold weekly and ad hoc telephone or videoconference meetings with the Office during which guidance on casework and relationships with stakeholders is provided, as necessary. They also participate in case debriefing meetings with the entire UNOMS team to share information and exchange best practices and views. Big field missions without an ombudsman are covered on a case-by-case basis through the services of a regional ombudsman who would travel to the location.

74. UNOMS is funded in part through the regular budget and in part through the Peacekeeping Support Account,[28] which is essential to the operation of the services. Monthly meetings are held between UNOMS and representatives of the Department of Field Support at Headquarters to help resolve cases originating in the peacekeeping missions. The Inspector received positive feedback on improved access to ombudsman services for field staff from both field support representatives and the Staff Council. More funding flexibility is needed to adjust to changes in number and location of field staff so that they can have better access to ombudsman services. The number of field staff fluctuates constantly as they usually change locations fairly frequently. Owing to high-tension situations, such as conflicts or natural disasters, staff working in such conditions really need the services of an ombudsman.

United Nations funds and programmes

75. The funds and programmes do not have regional ombudsmen; instead, a network of Respectful Workplace Advisers (RWAs) has been put in place in some organizations. RWAs are staff members who are selected and nominated through a confidential vote, and trained by the headquarters Ombudsman to provide early support and advice at the source of conflict with the aim of preventing conflict escalation. RWAs do not replace an ombudsman and complex cases are referred to the headquarters ombudsman.

76. The ombudsmen of the fund and programmes indicate that the RWA network is useful and that the work of the ombudsman offices would be much less relevant

[28] The regular budget funds the regional ombudsman offices in Bangkok, Geneva, Nairobi, Santiago and Vienna; the Ombudsman Office at Headquarters in New York is funded through a combination of the regular budget and the Peacekeeping Support Account; and the regional offices in Goma and Entebbe are funded through the Peacekeeping Support Account.

without them; their presence has resulted in an increased number of visitors in the field to the ombudsman service. In addition, the RWA nomination process itself helps to increase awareness about informal conflict resolution options. The uncertainty, however, exists with regard to the quality of the RWAs' practice, since there is no system in place to assess their work. Moreover, the ombudsman offices have limited resources to train and monitor the RWAs' activities.

77. Some funds and programmes rely primarily on technology and on visits of the ombudsman to field missions. Although the visits are customary, the ombudsman for the funds and programmes travels on average to 10 countries a year. UNDP, UNFPA, UNICEF, the United Nations Office for Project Services (UNOPS) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) have more employees in field locations than the staff of the United Nations Secretariat; however, even if the conflict situation emanates in a location where an UNOMS regional ombudsman is present, it must first be registered with the Office of the Ombudsman for the United Nations funds and programmes. During the period from 2010 to 2014, UNOMS assisted the Office of the Ombudsman for the United Nations funds and programmes in 3 per cent of its informal conflict resolution cases. The Inspector is of the view that there should be more collaboration between the Ombudsman for the funds and programmes and UNOMS and its regional ombudsmen.

78. It was explained that the main reasons for the low rate of cooperation in field locations are the differences in the staff rules of the different organizations, organizational practices, preservation of organizational identity, the different geographical location of the staff, and budgetary and administrative difficulties. In the Inspector's view, those differences are exaggerated and overemphasized at the expense of the potential clients of the ombudsman services. While some of the responsibility falls on the Secretariat Ombudsman and the Ombudsman for the funds and programmes who, in this particular situation, might have been overprotective of their organizations' interests, it is unrealistic to expect meaningful changes from the ombudsman offices without a change in the position of the senior management of each organization. No such intention to change was communicated to the Inspector during the review. In order to maximize the use of available resources, ways and means should be explored to further client-driven cooperation among the three pillars, while at the same time respecting each other's mandate, client base and independence.

Specialized agencies

79. The situation in the specialized agencies is very mixed. At WHO, staff have reasonable access to ombudsman services despite the strongly decentralized regional structure and management. WHO AMRO/PAHO has regional ombudsman hired specifically for that function, while other regional offices have collateral duty ombudsmen.

80. The terms of reference of the WHO Ombudsman covers all employees of the organization at headquarters and in regional offices, so that anyone in the organization can seek his or her services. However, the terms of reference is not clear about the Ombudsman's relationship with the regional ombudsmen. The regional ombudsmen, on the other hand, all have different terms of reference and there is no unified case management system for the whole organization. The work of

WHO regional ombudsmen resembles, in many ways, the work of the RWAs, except that the RWAs refer issues or cases of a certain complexity to the headquarters ombudsman, which is not the case at WHO, where the Ombudsman does not overview the work of the regional ombudsmen. In response to the recommendations contained in the 2014 report of the external review of WHO internal justice system, the organization is implementing changes, including in the set-up and work of the ombudsman.

81. The ILO Mediator (ombudsman) is supported by a number of facilitators (similar to RWAs) who improve access to informal conflict resolution for field staff. The Mediator, as per the terms of reference, is supposed to provide and coordinate periodic training to the facilitators; however, since the Mediator is working with only 10 per cent administrative support, actual informal conflict resolution demands allow very little time to train, monitor or assist facilitators.

82. ICAO and WIPO do not have a significant field presence and thus provide their field staff with access to the ombudsman services through technology. ICAO's collateral duty ombudsman, notwithstanding the lack of resources, visits the regional offices at two-year intervals, when conducting missions for a different purpose. Despite a large contingent of staff in the field, FAO Ombudsman does not have resources for travel.

83. In the Inspector's view, there is too much introspection and focus on individual organizations and not enough thought about the ombudsman service and the needs of the clients, namely the employees of the United Nations system organizations. There should be no significant difference in the service available to employees of a small or big organization, or employees in the field versus those at headquarters. The Inspector considers that there is room not only for stronger cooperation among the three pillars of UNOMS, but also within the whole United Nations system. If the employees of a specialized agency in a location where other United Nations system organizations are operating wish to discuss a matter with an ombudsman, they should, at the very least, have the option to choose to consult the ombudsman of another United Nations system organization (either the regional ombudsman of UNOMS or the visiting ombudsman of another organization), to whom they can talk in person, or the headquarters ombudsman of their own organization, who they have to access remotely.

84. The implementation of the following recommendation is expected to enhance the effectiveness and efficiency of the ombudsman services across the United Nations system organizations.

Recommendation 3

The executive heads of the United Nations system organizations should request their respective ombudsmen to ensure that their field staff have the option of an in-person consultation with the ombudsman of another United Nations system organization in the same location (for example, the regional ombudsman of UNOMS or the visiting ombudsman of another United Nations system organization).

D. Budget and staffing of ombudsman services

85. One of the standards of practice aimed at ensuring the independence of the ombudsman is his or her authority to select the ombudsman office staff and manage the ombudsman office budget and operations.[29] The ombudsman offices in United Nations system organizations are mostly "one-person shows", usually with one administrative support staff, who in some cases works part time. UNOMS and the Ombudsman Office for the United Nations funds and programmes are exceptions in that their Offices have much larger structures (see annex II).

86. Although it is difficult to objectively judge the adequacy of staffing of an ombudsman office, as there are a number of circumstances to be considered, one reference point could be the statistics, taking into account that an ombudsman can deal with a maximum of 200 cases a year. However, in the United Nations system organizations, ombudsman practitioners operate in more complex environments than many of their peers. Based on interviews with experienced United Nations ombudsman practitioners and taking into account the circumstances in which they work and the fact that they carry out other duties in addition to case management, in the Inspector's opinion, a United Nations ombudsman can deal with approximately 150 cases a year, with full administrative support, and 100 to 150 a year, with little or no administrative support.

87. The adequacy of staffing also depends on, inter alia, the proportion of the ombudsman's workload involving individual case management, the geographical distribution of the ombudsman's potential clientele (that is, the different field locations of the organization), the content and complexity of the issues raised by visitors, the level of development of other informal conflict resolution mechanisms in the organization and their level of cooperation with the ombudsman's office.

88. Once an organizational ombudsman office becomes established, the number of visitors generally increases; however, the number of support staff generally remains unchanged. The increase in service demand, outreach and awareness-raising activities and networking and fulfilling reporting obligations are not met with increased office support. Administrative assistance for the ombudsman office is non-existent in ICAO and WIPO, and limited in FAO and ILO. Ombudsman offices that do have administrative assistance (WFP, WHO and UNHCR), are better able to engage in substantive ombudsman work.

89. Although ombudsmen manage and use the allocated budgets independently, they nonetheless have little or no influence on the budgetary process. Budgets tend to be determined based on the previous year's figures, without taking into account changes in the requirements of the ombudsman office. Stagnant or decreasing budget levels primarily affect the ombudsman's ability to travel to field offices, to develop professionally and to undertake outreach and awareness-raising activities (see annex II). There is no assessment of the adequacy of allocated resources in relation to the programme of work of the ombudsman office. Budget allotments for the ombudsman office are not treated in any special way and are subject to the same general budgetary considerations that are applied to the rest of the organization.

[29] See IOA Standards of Practice, available from www.ombudsassociation.org/IOA_Main/media/SiteFiles/IOA_Standards_of_Practice_Oct09.pdf.

90. The budgets of ombudsman's offices are generally small (see annex II) and even the smallest cut to the budget across the organization results in an underfinanced ombudsman office. Compared to the marginal savings that the organization may achieve in the short term, such cuts severely weaken the capacity of its ombudsman services. As a direct consequence, issues that could have been handled informally may end up being brought to the formal system, which would result in significant costs to the organization. Although **it is difficult to quantify the savings achieved by having an adequately financed ombudsman office, the interviewees from all three stakeholder groups recognized the correlation between savings to the organization and an adequately financed ombudsman office**. Senior management in most of the organizations recognizes the need for, the usefulness of and the high return on investment in informal conflict resolution systems, however, that recognition is not transferred to the budgetary planning process. **The executive heads of United Nations system organizations should ensure that adequate funding is available to their ombudsman offices.**

91. The Inspector wishes to highlight a good practice at WFP. WFP senior management understood that the savings resulting from a cut in the budget for the ombudsman office would be negligible in the grand scheme of things, but could potentially have much larger consequences for the organization in the long term. Therefore, it decided to exempt the budget for the ombudsman office from the standard budget cuts applied across the organization.

E. Case management

92. Case work represents a major component of the organizational ombudsman's workload. The confidentiality principle prevents any details of cases being made public; thus, a direct assessment of how cases are handled was not possible in this review. However, interviews with human resources and staff association representatives, as well as client satisfaction surveys (see chap. V) offered an indication. The required time to handle a case can vary greatly depending on the complexity of the underlying issues. Visitors' queries can range from simply seeking information to seeking the ombudsman's advice to mediation requests.

93. Some statistics indicate that, on average, an organizational ombudsman can expect to meet from 1 to 5 per cent of the whole organization's staff complement.[30] A new ombudsman or an ombudsman working in an organization undergoing an unusual event (such as major downsizing or reorganization) may see more than the average number of visitors. In contrast, if the ombudsman is not well known, or if there is not enough trust in the ombudsman function, the number of visitors may be lower than the average. **In most of the United Nations system organizations, the number of visitors is within or slightly above the range (1 to 5 per cent).** Outliers often coincide with and are most likely a result of, inter alia, reorganization, the introduction of a new human resources policy or damage to the reputation of the ombudsman.

94. Approximately 100 to 150 visitors may be serviced annually by one ombudsman, subject to additional (administrative and/or substantive) support,

[30] See "Effectiveness of Organizational Ombudsmen", *The Ombudsman Association handbook*, chap. IV, (courtesy of Mary Rowe), available at www.ombudsassociation.org/IOA_Main/media/SiteFiles/effectiveness_final-6_TOA.pdf.

although the statistics reported by the organizations are not entirely comparable owing to differences in methodology. Ombudsman practitioners were reluctant to specify the number of visitors that an ombudsman could handle annually, taking into account their other duties. This is owing to the varying degrees of involvement of administrative or other assistance in case work (for example, assistance with e-mail communications), the complexity of the issues, variations in the time necessary to deal with a case, and so on. Nonetheless, that number is the limit for efficient handling of cases; more cases may be addressed at the expense of other functions such as identification of systemic issues, building conflict prevention skills and culture, participation in stakeholders' events and outreach activities etc. In general, budget limitations do not allow sufficient flexibility to hire temporary additional resources on an as-needed basis.

95. In terms of statistics, ombudsmen generally refer to visitors, cases and issues. However, IOA suggests counting issues, questions or concerns, instead of cases, the reason being that different offices use different methods for defining and counting cases. For example, several people may initiate separate contacts with the ombudsman office on a same issue; likewise, one person may contact the ombudsman office with several unrelated issues. In view of providing a consistent method for comparing the work of ombudsmen, IOA Database Categories Task Force developed a system that groups issues under nine uniform reporting categories.[31]

96. Reportable issues are those involving the skills or specialized knowledge of the ombudsman rather than simple information requests. Each of the nine categories has subcategories to facilitate classification. UNARIO developed a similar system of case categories and subcategories for the United Nations system organizations, which are used to register the issues for reporting purposes. Most ombudsman practitioners provide statistics on the number of cases, which is often equal to the number of visitors dealt with; some also detail the number of issues, although most simply disclose the proportion of issues dealt with under each reporting category. In 2014, one visitor, on average, to the Ombudsman Office of the United Nations Secretariat raised 1.89 issues, 1.59 issues in the funds and programmes, 1.63 issues in UNHCR, 2.06 issues in WFP, 2.5 issues in ILO, 2.27 issues in WHO and 2.29 issues in WIPO.

97. Classifying issues and cases is a useful exercise for identifying systemic issues. In the United Nations Secretariat, the funds and programmes and UNHCR, issues relating to the categories "job and career" and "evaluative and interpersonal relationships" collectively accounted for more than half of the total volume in 2014, and the pattern is consistent with previous years.[32] In WHO, 2014 statistics are consistent with previous years and indicate that more than 50 per cent of issues raised with the ombudsman were related to "evaluative relationships", followed by "career progression and development", "organization, strategic and mission-

[31] IOA uniform reporting categories are (1) compensation and benefits; (2) evaluative relationships; (3) peer and colleague relationships; (4) career progression and development; (5) legal, regulatory, financial and compliance; (6) safety, health, and physical environment; (7) services/administrative issues; (8) organizational, strategic and mission related; (9) values, ethics and standards. Available at www.ombudsassociation.org/IOA_Main/media/SiteFiles/UTFRC-Desk-Reference-v2.pdf.

[32] See A/70/151, para. 16.

related", and "peer and colleague relationships".[33] In WFP, 83 per cent of the issues brought to the ombudsman in 2014 fell into three categories: "evaluative relationships between supervisors and supervisees", "career progression and development", and "organizational, strategic and mission-related".[34]

98. As evident from the above, issue classification is common across the United Nations system. However, the statistics are stored in different databases. Each Office inputs its data in its own computerized system and generates statistics when necessary. Only the three pillars of UNOMS use the same e-platform. In addition, although the classification of issues and cases is based on a common set of categories, there are no written guidelines on what constitutes a case and how cases should be managed. UNOMS Strategic Workplan for 2014-2015 included the development of a case handling manual intended to provide policies and guidance on all aspects of case work and case management, however, its preparation has been postponed.

99. Questions relating to an acceptable response-time for a visitor's query, criteria for opening and closing a case, procedures to be followed during case management, the retention period for informal notes and their archiving or destruction etc. could be answered in such a manual. The Inspector is of the view that such a manual would greatly benefit ombudsman practitioners in the United Nations system in professionalizing their work, without giving up on the informal principle of their function. In addition, the institutional memory created would be beneficial to future ombudsmen, in particular those assuming duties in a small organization without any support; ombudsman offices with a bigger structure would have support with regard to the coherence of their operations.

100. The implementation of the following recommendation is expected to enhance the effectiveness and efficiency of ombudsman services in the United Nations system organizations and coordination and cooperation among their ombudsman practitioners.

Recommendation 4

The executive heads of the United Nations system organizations should request their ombudsman offices to include in their work programme the development of a case management manual and to seek the cooperation of other United Nations system ombudsmen with a view to achieving a certain level of harmonization across the system.

F. Systemic issues

101. Based on individual cases, the ombudsman classifies issues raised into one of nine categories, which allows for the identification of systemic issues. Identifying trends and the root causes of issues is an important task for the ombudsman and has

[33] See "Towards a more respectful workplace", report of the WHO/UNAIDS/IARC/ICC Ombudsman (1 January to 31 December 2014), p. 6.

[34] See WFP Office of the Ombudsman and Mediation Services, Annual Report 2014.

the potential to generate policy or regulation change, reduce conflict in an organization and improve the overall performance of staff and management. As other stakeholders exercise similar functions within the realm of their duties, for example human resources management, staff councils, the ethics office, investigation services, interaction and exchange of views among all stakeholders is useful and desirable. Although the ombudsman's findings may not reveal new information, they may independently confirm existing issues and offer an important consideration for senior management to prioritize its actions.

102. The organizational ombudsman function has evolved from case management and identification of systemic issues to that of a change agent that contributes to better managerial practices. Most of the terms of reference already contain a clear requirement to report on systemic issues identified (see chap. III). The Inspector considers it important that organizations for which that is not the case (for example, ICAO, United Nations Secretariat and WHO) adequately update the terms of reference of their ombudsmen. Regardless of the requirements in the terms of reference, ombudsmen usually communicate systemic issues identified in their annual reports (for example, ILO, UNHCR, United Nations Secretariat, WFP, WHO and WIPO) or in a separate confidential note addressed to the executive heads (for example, the funds and programmes). The ombudsmen of ICAO and FAO do not report on systemic issues.

103. The review noted that most of the ombudsman offices are understaffed and heavily burdened with managing individual cases, which leaves them very little time to deal with systemic issues. In addition, ombudsman offices receive little encouragement from human resources management and staff councils, who often consider that aspect of the ombudsman's activities as competition and unnecessary encroachment of their turf. At the opposite end of the spectrum is the expectation that the ombudsman should recommend solutions to the systemic issues identified. While the Inspector does not exclude that the ombudsman could sometimes offer valuable recommendations, he considers it unreasonable to actually require this of the ombudsman who operates outside of the management framework of the organization.

104. With regard to the value-added of the ombudsman's identification of systemic issues, senior management of most of the organizations consider the ombudsman's work a useful independent channel through which to confirm their own findings. However, there have been times when ombudsman practitioners have played a pioneering role in bringing unknown issues to management's attention. Nevertheless, it is rare that the identified systemic issues contained in the report of the ombudsman are included in the agenda of senior management committee meetings, or that a formal response is given to the ombudsman about his work. The Inspector was told that some issues are addressed by management through informal channels. While accepting that informal interactions are important, the Inspector is of the view that not addressing systemic issues in a formal context is a missed opportunity for management on their follow-up, as well as a missed opportunity to promote visibility and the usefulness of the ombudsman office.

105. While all the systemic issues identified cannot be addressed at once and there is need for prioritization, some persistent systemic issues remain unresolved for various reasons, including lack of sufficient attention on the part of the executive heads, resolution of the issue requires additional resources which the organization

does not have, or conflicting interests among organizational units. In the Inspector's opinion, the ombudsman should be able to have access to the legislative body of the organization. Member States should be informed about systemic issues, in particular the repeatedly unresolved ones which may be affecting the efficient operation of the organization. In that way, if there are conflicting priorities or limited resources, Member States can articulate their main concerns and priorities.

106. The Ombudsman of the United Nations Secretariat is the only United Nations organizational ombudsman with access to the legislative body through the Secretary-General's annual reports to the General Assembly, under the agenda item on administration of justice, in which the systemic issues identified by the ombudsman and management's response to them are set out. Although the substance and prioritization of management's response could be improved, the Inspector considers this to be a good practice and recommends that it be adopted by other United Nations system organizations. Some organizations mentioned that they had already examined the possibility of presenting their ombudsman's reports to the legislative body, but that they either met with resistance from the executive heads or were hindered by the overcharged agenda of the legislative body. So far, no other organization has followed the practice.

107. The implementation of the following recommendation is expected to enhance the transparency and accountability of the United Nations system organizations.

Recommendation 8

The legislative bodies of the United Nations system organizations should make it possible for the ombudsman to report to them on systemic issues identified on a regular basis.

G. Mediation

108. Many ombudsman practitioners are trained mediators and often use their mediation skills and techniques as an approach to resolving conflict. There are two ways to initiate mediation: one or all the parties concerned or the ombudsman may propose mediation; or the formal part of the administration of justice system can, with the consent of the parties, refer a matter to mediation. It is difficult to establish statistics on mediation cases, in the first instance, as it is difficult to distinguish where consultation, shuttle diplomacy or another technique finishes and where mediation starts.

109. The officially reported statistics on mediation are low: WFP had 7 in 2014 and 5 in 2013; WHO had 8 in 2014 and 11 in 2013; WIPO had 7 in 2013 and 9 in 2012. The Mediation Division of UNOMS, which was established under General Assembly resolution 62/228, provided only 64 mediations in 2014 (57 in the United Nations Secretariat, 7 in the funds and programmes and UNHCR) and 73 in 2013 (63 in the United Nations Secretariat, 10 in the funds and programmes). The number

of mediation cases is increasing over time in UNOMS (from 22 mediations in 2009 to 64 in 2014).[35]

110. The review enquired about the average cost per case in the formal justice system so as to compare with the cost in the informal system. Some interviewees were reluctant to provide that information, stating that it depended on the complexity and the duration of the case, the final award and other considerations; others gave figures in the range of US$ 20,000 to US$ 30,000 or even higher. The average cost of a case in the ombudsman offices in the United Nations system organizations is between US$ 2,000 and US$ 4,000.[36] Regardless of the cost, all interviewees agreed that early conflict resolution is the most cost effective.

111. The Inspector found the main reasons why mediation was not used more frequently were the lack of familiarity with the benefits of mediation, the conflict-handling mentality of the organizations, the slow pace of the conflict resolution process with face-saving opportunities and parties are eager to seek justice, not a compromise. In addition, although organizations would prefer less expensive informal solutions, the existing rules and regulations in most organizations are inflexible and prevent successful settlements. Managers do not have the authority to agree on the settlement amount, nor can a settlement be executed without a liability, which in turn is established based on a legal decision by the formal justice system. The current administration of justice systems are therefore hindering and prolonging potentially successful and quick conflict resolutions. **The Inspector suggests that the executive heads of the United Nations system organizations provide a more enabling environment in the budgeting system or financial rules to make the use of mediation more attractive in cases where the financial benefits of mediation are obvious, based on previous experience or the best probable outcome of a formal administration of justice procedure.**

II. Building a conflict-prevention culture

112. Building a culture of conflict prevention is a shared responsibility of both management and staff, who should have a clear understanding that although conflicts are a natural occurrence in the workplace, all players should appreciate that early conflict resolution through the use of proportionate tools is desirable. The various institutions established in the workplace with the purpose of building a conflict-prevention culture should work together while respecting each other's different operational requirements. In addition, the commitment of senior management to constantly encouraging and promoting the use of informal conflict resolution mechanisms is crucial.

113. Some terms of reference of organizational ombudsmen explicitly refer to the above-mentioned tasks, and almost all ombudsman practitioners in the United Nations system perform them as a matter of course through their outreach activities. For example, the Ombudsman of the United Nations Secretariat works closely with the learning and development section of the Office of Human Resources Management to enhance focus on training that supports the development of conflict

[35] See the annual reports of the respective ombudsmen.

[36] Taking into account that not all cases are successfully resolved through the informal system, a rudimentary calculation of the total budget for 2012 to 2013 (number of cases in each year), was used.

management skills. UNOMS also tailors its outreach activities to specific audiences, including senior managers, section chiefs, peacekeeping personnel and new staff. In ILO, the Human Resources/Talent branch developed a training module on handling conflict dynamics, and UNHCR has an ongoing conflict management programme and offers mediation skills training. The Ombudsman for the United Nations funds and programmes gives presentations on conflict awareness and the root causes of conflict.

I. Reporting activity

114. The ombudsman reporting line is generally defined in the terms of reference and, in most cases, the ombudsman reports to the executive head of the organization annually. The report is also made available to staff through the ombudsman's intranet or web page, or sometimes the executive head of an organization circulates the ombudsman report to staff. It is important to emphasize that the reports of the ombudsman should not be negotiated or modified by senior management.

115. Analysis of the content of ombudsmen's annual reports shows that they give a comprehensive overview of the number and typology of visitors; review the types of issues brought to the ombudsman using uniform reporting categories; usually contain information on systemic issues identified, and some even contain recommendations for action by senior management; and provide information on activities and efforts undertaken to strengthen the conflict-prevention culture in the organization.

116. In some organizations (WHO and WIPO), the ombudsman's annual report is used as a communication tool to provide information to staff about the basic operating principles and functions of the ombudsman office. While this practice cannot be considered as reporting on the activities of the ombudsman, it can contribute to educating staff about the tasks of the ombudsman with the aim of avoiding future unrealistic expectations of ombudsman's function.

117. Reporting on systemic issues is an important aspect of the ombudsman's work (see chap. IV, sect. F). Publishing management's response to systemic issues is good practice; it should reach not only the staff, but also the legislative bodies. **The Inspector considers such reporting to be useful, particularly in the event that a systemic issue is not properly addressed by management, although it has been repeatedly identified as a problem** (see recommendation 5).

J. Ombudsman training

118. Professional development and continuing education of the ombudsman can be obtained mainly through IOA and other institutions and organizations offering ombudsman- and mediation-related courses.[37] The training of the ombudsman or of the staff of the ombudsman office may be financed in part through regular staff development funds and in part from the budget of the Office of the Ombudsman. It is therefore difficult to say with certainty how much the overall available training budget is. However, the allocations dedicated to training in the budgets of

[37] For example, various universities, colleges and institutes, the European Commission, the Association for Conflict Resolution, among others.

ombudsman offices are minimal and obtaining additional funds from the centralized staff development budget of the organization is unpredictable.

119. In order to familiarize himself or herself with the organization, a new ombudsman should attend the induction training organized for newly appointed managers and continuous professional development is required as for any other professional posts in the organization. The training possibilities offered by IOA, UNARIO and other professional networks should be used to ensure continuous training and career development for the ombudsman and the workplan of the ombudsman office should contain a development and training plan for the ombudsman and staff of the office.

120. In 2009, IOA established the Board of Certification for Certified Organizational Ombudsman Practitioners with the purpose of awarding the Certified Organizational Ombudsman Practitioner (CO-OP) credentials.[38] The certification is not an eligibility requirement in the selection process for an ombudsman in United Nations system organizations. Only very few ombudsman practitioners in the United Nations system are certified CO-OP. The Inspector is of the view that certification is a positive aspiration which should be included in the ombudsman's career development and training programme.

121. The implementation of the following recommendation is expected to enhance the effectiveness and efficiency of the ombudsman services.

Recommendation 6

The executive heads of the United Nations system organizations should request the ombudsman to include continuous training and certification of ombudsman practitioners in the strategic workplans of their ombudsman offices.

K. Accountability and appraisal of the ombudsman's performance

122. The ombudsman's administrative reporting line is clearly defined; he or she usually reports to the (deputy) executive head of the organization. The work of the ombudsman involves dealing with matters of a confidential nature and the organizations respect that; no cases were brought to the Inspector's attention whereby an ombudsman could not perform his or her duties owing to a lack of understanding by administration of the principle of confidentiality.

123. On the other hand, there is a certain ambiguity about the ombudsman's accountability and the appraisal of his or her work. Some terms of reference (e.g., those of the United Nations funds and programmes and WFP) unequivocally state that the ombudsman is not subject to a formal performance evaluation, while other organizations on the contrary apply the regular performance appraisal system to the work of the ombudsman (e.g., WHO/AMRO-PAHO, UNHCR, WHO and WIPO).

[38] See www.ombudsassociation.org/Certification.aspx.

124. The total absence of an appraisal is difficult to justify especially in the light of the fact that contractual arrangements and appointments are extended and renewed; however, there is no criteria on which to base such decisions. While the purpose of performance appraisals is to motivate, encourage, inspire and provide feedback, subjecting an ombudsman to the regular performance evaluation process applied to staff would completely disregard the specific nature of the function and could compromise the ombudsman's independence and expose him or her to retaliation.

125. The ombudsman's accountability and the appraisal of the ombudsman's work should be based on a participatory process, which includes both management and staff. Such a balanced process would ensure that accountability does indeed exist and, at the same time, provide assurance and safeguards that allow the ombudsman to maintain independence and not fear retaliation.

126. One possible solution is employed by UNOMS whereby the ombudsman and the Secretary-General sign a compact in which the ombudsman commits to achieving the objectives set out in the strategic workplan of the office and is held accountable by the Secretary-General. In turn, the ombudsman ensures that those objectives are reflected in the workplans and performance assessments of his staff at all levels. The missing component in this set-up is the involvement of staff in the appraisal of the ombudsman's work. Therefore, in the Inspector's view, there is need to amend it. Since the ombudsman's compact was introduced in 2013, there is still no sufficient experience for its assessment. The Inspector considers it an important issue in itself, but also because some organizations have indicated that they were considering introducing a similar system for appraising the work of their ombudsmen.

127. The Inspector favours the participation of all stakeholders in the appraisal of the ombudsman's work. This joint exercise by management and the staff association may occasionally be supported by the results of an external peer review. The appraisal should be based on the accomplishment of tasks set out in the workplan of the office; fulfilment of the reporting obligation to management and staff; the results of the global staff survey relating to staff awareness of the ombudsman's services; and the results of client satisfaction surveys.

128. The ombudsmen of larger ombudsman offices comprising several staff can conduct appraisals of their office staff, including the regional ombudsman practitioners. Although the ombudsman is an independent institution and not a traditional manager, he or she should consult with other stakeholders about the performance of his or her staff, whenever possible.

129. The implementation of the following recommendation is expected to enhance the transparency and accountability of the ombudsman services.

Recommendation 7

The executive heads of the United Nations system organizations should establish an accountability and appraisal system for the ombudsman services and include the relevant provisions in the ombudsman's terms of reference. The system and the provisions should reflect the specific requirements of the ombudsman function by making accountability and the appraisal process inclusive and participatory for all stakeholders.

V. Client satisfaction with Ombudsman services

A. Surveys conducted by ombudsman offices

130. The small proportion of visitors to ombudsman offices (approximately 5 per cent of total staff) did not justify carrying out a specific JIU survey on client satisfaction with ombudsman services in the United Nations system organizations. For confidentiality reasons, JIU did not have access to the addresses of visitors to ombudsman offices therefore, the client satisfaction assessment could only be made through indirect ways, such as sporadic information from interviews with human resources management and staff council representatives, as well as from the client satisfaction surveys carried out by the ombudsman offices of some United Nations system organizations. Client satisfaction surveys among visitors to the ombudsman offices were carried out in the United Nations Secretariat, United Nations funds and programmes (UNDP, UNFPA, UNICEF, UNOPS and UN-Women), WFP, WIPO and WHO/AMRO-PAHO.

131. Documentary evidence of a survey of all staff to assess the general perception and knowledge of the role and function of the ombudsman was received from WIPO and WHO/AMRO-PAHO only. WFP ombudsman office conducted a pre-activity survey of WFP staff to identify the key strengths of an ombudsman office, the major issues it should address and the difficulties faced by WFP staff which the ombudsman could potentially address. The Inspector considers the latter undertaking a good practice, which may be useful for other United Nations entities with an ombudsman function.

132. Other types of surveys undertaken by ombudsman offices were also brought to the Inspector's attention, including a survey of staff of the United Nations funds and programmes (UNDP, UNFPA, UNICEF, UNOPS and UN-Women) on the annual report of their ombudsman; a survey to obtain feedback on workshops on conflict resolution organized by the WFP ombudsman office; and a survey of WHO/AMRO-PAHO staff on presentations made by the ombudsman office.

133. Comparability across United Nations system organizations on client satisfaction with ombudsman services is limited. Taking into account the different types, scope, content and timing of the surveys, it was not possible to identify comparable data on client satisfaction. The data below could not be considered as giving a full or general picture, nonetheless, it shows an important indication on general satisfaction trends among visitors to ombudsman offices.

B. Findings of surveys in 2013 and 2014[39]

	Process (confidentiality, independence and impartiality)			*Quality of services provided (timeline)*			*Overall satisfaction and trust in ombudsman institutions*		
Entity (survey year)	*Neutrality and impartiality*	*Confidentiality*	*Independence*	*Ombudsman dealt with issue in timely manner*	*Enough time to discuss concerns*	*Ombudsman helped client to feel comfortable to discuss concerns*	*Ombudsman helped identify options to address concerns*	*Overall satisfaction with services received from Ombudsman*	*Willingness to refer colleague to Ombudsman Office*
UN (2014[40] and 2013[41])	86% (2014) 74% (2013)	–		72%[42] (2013)	–	77% (2013)	82% (2014) 59% (2013)	73% (2014) 67% (2013)	77% (2014) 59% (2013)
UN funds and programmes[43] (2012)	61%	76%	–	79%	–	64%	–	57%	74%
WFP (2013)[44]	90.3%	95.4%	79.3%	94%	96.7%	95.4%	82.4%	84%	86.2%
WIPO (2012[45] and 2011[46])	93% (2012) 90% (2011)	100% (2012) 98% (2011)	–	93% (2012) 92% (2011)	95% (2012) 94% (2011)	93% (2012) 93% (2011)	80% (2012) 81% (2011)	76% (2012) 75% (2011)	78% (2012) 79% (2011)
PAHO (WHO/AMRO) (2014)[47]	72.6%	69.9%	66.4%	–	–	–	62.7%	–	72%

134. Process: In four entities where responses of visitors to ombudsman offices are directly reflected (United Nations Secretariat, United Nations funds and programmes, WFP and WIPO), at least three quarters (74 to 100 per cent) of visitors responded positively, indicating their trust in the neutrality, impartiality, confidentiality and independence of the ombudsman office. Response rates were considerably lower (66 to 72 per cent) for WHO/AMRO-PAHO, where the survey was carried out among the whole workforce and not limited to visitors to the ombudsman offices.

135. Quality of services provided: More than 9 out of 10 visitors to the ombudsman offices in WFP and WIPO expressed satisfaction with the ability of the ombudsman to deal with issues in a timely manner and to provide enough time to discuss concerns. Satisfaction levels were considerably lower for the United Nations

[39] Response rates for the United Nations Secretariat, WFP and WIPO reflect responses from visitors who directly used the services of the Office of the Ombudsman; for PAHO, the response rates reflect the views of all staff, irrespective of whether or not they used the services of the Ombudsman Office.

[40] UNOMS Visitors Feedback Survey (1 January-30 June 2014).

[41] UNOMS Visitors Feedback Pilot Survey (June 2013).

[42] First appointment or conversation took place within 15 days.

[43] Survey results provided by the Ombudsman Office of the United Nations funds and programmes (conducted November 2012).

[44] Excel table provided by WFP with results of customer satisfaction survey for 2013.

[45] WIPO Office of the Ombudsman, summary, Visitors' Feedback Survey 2012 (conducted March 2013).

[46] Ibid., summary, Visitors' Feedback Survey 2011 (conducted March 2012).

[47] PAHO, Office of the Ombudsman, 2014 Assessment Survey, 30 June 2014.

Secretariat (72 per cent) and the United Nations funds and programmes (79 per cent). The discrepancy may be due to the fact that the UNOMS survey actually quantifies what constitutes sufficient response time (response within 2 days, meeting within 15 days/30 days/after 30 days) which allows for a more accurate estimation. That does not hold for WIPO and WFP where the survey question was more qualitative and did not state a fixed time frame. On the question of the ability of the ombudsman to make clients feel comfortable, the relatively lower satisfaction rate for the United Nations Secretariat (77 per cent) compared to WFP (95.4 per cent) and WIPO (93 per cent) merits further exploration as to what steps the United Nations Secretariat ombudsman office could take to improve client comfort levels.

136. Overall satisfaction and trust in ombudsman institution: In all three entities where client satisfaction surveys were carried out (United Nations Secretariat, WFP and WIPO), 8 out of 10 respondents agreed that the ombudsman helped the visitor to identify options to address his or her concerns. This is perhaps the best indicator of the value added of the work of the ombudsman: the figures closely match both the overall satisfaction levels with the services provided by the ombudsman (73 to 84 per cent) and the willingness to refer colleagues to the Ombudsman Office (77 to 86 per cent), as per the most recent survey data made available to the JIU by the three entities.

137. In WHO/AMRO-PAHO and WIPO surveys of all staff with regard to the ombudsman office, nearly half of all respondents (48.6 per cent) in WHO/AMRO-PAHO were "knowledgeable" or "very knowledgeable" about the services provided by the Ombudsman Office, while in WIPO, nearly two thirds (64 per cent) were familiar with the role and functions of the ombudsman (as per the 2012 survey). However, between 56 and 74 per cent of WHO/AMRO-PAHO respondents were not familiar with the contents of the ombudsman annual report. While the first score indicates a relatively high level of basic familiarity with the ombudsman office in WHO/AMRO-PAHO, the latter score indicates that most staff were unaware of the specificities of the ombudsman's work.

C. Improving the comparability and use of survey results

138. Comparability of surveys can and should be improved through greater consistency among organizations in the frequency of surveys (e.g., annual or biennial surveys), data classification procedures and the main common questions in all surveys regarding client satisfaction. That would make the survey results comparable not only within the organization but across the system as well.

139. The need for a certain level of standardization is strengthened by the fact that variances in the framing of certain comparable questions can also vastly affect the outcome. For instance, in UNFPA 2014 Global Staff Survey, when considering the option "I would contact the ombudsman office to address and resolve my workplace conflict informally, if necessary", 59 per cent of respondents answered positively, 29 per cent were neutral and only 11 per cent responding negatively. A similar question was asked in UNDP 2014 Global Staff Survey, in which contacting the ombudsman's office was one of 10 options to resolve a workplace conflict. Only 7 per cent of respondents in UNDP, 6 per cent in United Nations Volunteers and 3 per cent in United Nations Capital Development Fund opted for the ombudsman office.

140. The findings of surveys can serve as important inputs into the development of the workplan of the office of the ombudsman, as they can provide useful

information on the areas of the office's activity that need strengthening or developing. A system-wide comparison of survey results that is based on an adequate and unified methodology can be useful for identifying the common challenges of the ombudsman's work in the United Nations system organizations. Survey results can also be used to identify needs in terms of awareness-raising, training and other activities that can be carried out by the ombudsman office and which are particularly valued in strengthening the conflict prevention culture of the organization.

141. Finally, surveys can also serve as inputs in the performance appraisal of the ombudsman by providing comparable data that can be used for benchmarking. As regards inputs for performance appraisal, the key elements to consider are client satisfaction with process- and outcome-related questions that are directly within the control of the ombudsman (e.g., ensuring confidentiality and impartiality; understanding client concerns; ensuring client comfort in discussing concerns; providing sufficient time for discussion; dealing with client issues in a timely manner; exhibiting courtesy, respect, professionalism, helpfulness; identifying options to address concerns etc.). Conversely, process-related (e.g., independence of the ombudsman office vis-à-vis management structures) and outcome-related (e.g., successful resolution of client's concern) questions that may be beyond the control of the ombudsman should not serve as a determinant in performance appraisals.

142. **The Inspector suggests that all ombudsman offices carry out surveys of all clients who use their services at agreed intervals of time** in order to identity and assess: (a) familiarity with and assessment of the implementation of the operational principles of the ombudsman function; (b) satisfaction with services provided by the ombudsman office; (c) the services currently provided by the ombudsman that are particularly valued; (d) services requiring improvement; and (e) services currently not provided by the ombudsman for which a demand exists.

143. Such surveys should have standardized questions that would allow for comparability across organizations. **UNARIO can play a useful role in discussing and agreeing upon survey questions** with the goal of arriving at a questionnaire that is standardized across the United Nations system to the extent possible. Each organization can build on the standard questionnaire taking into account their own specificities and particularities (see recommendation 8).

VI. Cooperation among ombudsman practitioners in the United Nations system organizations

144. An ombudsman does not have a counterpart in the organization that he or she serves. The organizational ombudsman is a unique function generally performed by one individual and strictly guided by the confidentiality principle. Therefore, the possibilities of exchanging opinions within the organization are very limited. The function of the organizational ombudsman is fairly new and evolving; it has developed to very different levels in various organizations. Consequently, interacting and sharing experiences, ideas and practices with other ombudsmen is important for organizational ombudsman practitioners of the United Nations system organizations. Professional contacts are possible through events organized by IOA and UNARIO, local informal networks and occasional bilateral contacts.

145. The International Ombudsman Association (IOA) is a widely-recognized professional community whose membership is significantly wider than the United Nations system. Organizational ombudsman practitioners worldwide follow the IOA Code of Ethics and Standards of Practice, although most of the official 900 members are from North America.[48] IOA organizes conferences, professional development courses, workshops and webinars, which are often attended by ombudsman practitioners of the United Nations system organizations. The organizational ombudsman certification was created to promote, examine and maintain standards for the advancement of the practice. In the Inspector's opinion, certification should be considered by the ombudsman practitioners of the United Nations system organizations (see recommendation 6).

146. The United Nations and Related International Organizations network (UNARIO)[49] brings together ombudsman practitioners and mediators from the United Nations and related international organizations, including international and regional financial institutions, the International Committee of the Red Cross and the European Organization for Nuclear Research (CERN), to share best practices, exchange ideas and experiences, engage in professional development and network. The network claims to promote inter-agency collaboration and cooperation in a very informal manner. The Inspector was unable to obtain more information about the network's operation or to assess the real impact of UNARIO on the work of the ombudsman practitioners in the United Nations system organizations and was denied access to the documents of the network.

147. The interviews provided the Inspector with information on what appears to be the major activities of the network. He learned that UNARIO meets annually[50] and holds round-table discussions, in which participants describe the highlights, updates and challenges of their work. The meetings also provide an opportunity for training on some specific issues. The network's web platform serves as a community of practice where participants can exchange professional documents and discuss matters.

148. The ombudsman practitioners who participate in UNARIO were unanimous in their agreement on the usefulness of such cooperation, the need to maintain its informal character and the desire to use the platform primarily as an information-exchange tool. However, interviewees expressed different opinions on:

(a) the governance of the network and the selection process of the Chair, which would benefit from a better defined structure, while maintaining the informal character of the network;

(b) the agenda building process, which they find is not participatory enough;

(c) the insufficient use of the virtual network in the interval between the annual meetings;

(d) the possibility of using the network as a cooperation framework on a number of issues so as to harmonize the work of ombudsman practitioners in the United Nations system organizations and better articulate issues of common interest.

[48] See www.ombudsassociation.org/About-Us.aspx.

[49] See www.unario.org/elggProd/privacy. Access to the site is only available to members.

[50] UNARIO has held annual meetings in Santiago (2012), Rome (2013), Montreal (2014) and Manila (2015).

149. The possibilities for the members of the network to use it as a cooperation framework are different in many respects, owing to, inter alia, unequal levels of ombudsman services in the different organizations; very different financial and human resources capabilities to contribute to the running of the network; the heavy daily workload of the ombudsmen; and generally the unequal size of the ombudsman offices. That results in unequal cooperation opportunities and weakens cohesion and ownership of the network. Despite those differences, the Inspector is of the opinion that individual participants can and should organize themselves better in order to enhance cooperation, improve the professionalism of the ombudsman function, and improve coherence in the United Nations system organizations. **The Inspector suggests that the ombudsman practitioners in the United Nations system organizations create a subgroup within UNARIO so that specific United Nations-related issues can have a higher profile and receive the necessary attention.** The United Nations Representatives of Internal Audit Services (UN-RIAS) may provide a model for such cooperation. The Inspector would like to offer UNARIO, in particular the potential subgroup of United Nations ombudsman practitioners, the following non-exhaustive list of suggestions intended to improve cooperation among ombudsman practitioners:

(a) Resolve governance and operation-related issues of UNARIO, while respecting equality of all participants, and strengthen ownership;

(b) Develop a template for the terms of reference of organizational ombudsmen in the United Nations system to ensure common minimum conditions of service;

(c) Draft harmonized guidelines for case management to ensure comparability in the treatment of cases across the United Nations system;

(d) Elaborate a harmonized template for the client satisfaction survey with core common questions and set the frequency and scope of the survey to ensure comparability of statistics across the United Nations system;

(e) Develop a procedure for periodic peer reviews of the activities of ombudsman offices, to be shared with stakeholders and used to improve services, raise awareness and promote buy-in across the United Nations system;

(f) Develop a methodology for the performance appraisal of the organizational ombudsman work for use in the United Nations system.

150. The implementation of the following recommendation is expected to enhance the effectiveness and efficiency, as well as the coordination and cooperation of ombudsman services.

Recommendation 8

The executive heads of the United Nations system organizations should request their ombudsmen to discuss the findings and recommendations of the present review at the UNARIO meeting to be held in 2016 and to decide on the course of actions they intend to reflect in their programmes of work, either individually or collectively.

VII. The way forward

151. Ombudsman services are an important part of informal conflict resolution mechanisms in the United Nations system organizations. A well-functioning ombudsman service contributes not only to reducing the operational costs, but also to the efficient running of the organization. However, the activities and operations of the ombudsmen in the United Nations system organizations are at different levels of development. **Professionalization of the ombudsman function and the allocation of sufficient resources to the ombudsman office** are required to improve their functioning and the efficiency of their operations, and to **ensure access to ombudsman services for all United Nations employees**, notwithstanding their duty station or contractual arrangements. Member States and the executive management of the United Nations system organizations have a joint responsibility to make progress in this regard.

152. **Increasing awareness and promoting an accurate understanding of the ombudsman function** is a common interest of staff and management. It requires the joint efforts of the executive management, human resources management, staff associations and ombudsman offices, and should start with induction training for new staff members and continuous training for existing staff.

153. **The provision of sufficient financial and human resources for informal conflict resolution, including the operation of the ombudsman office, is an investment with a good return.** Management should not lose sight of the value of ombudsman services in their short-term budgetary considerations, especially as the allocation of a small amount of funds would have no implications on the overall budgetary situation of the organization. Investment in ombudsman services should always be considered in the light of the possible financial and non-financial benefits to be gained by avoiding or reducing the potential escalation of conflicts brought to the formal system of administration of justice.

154. **The ombudsman and the ombudsman office perform a special function and play a special role within the organization, in accordance with internationally agreed principles. Therefore, it stands to reason that the ombudsman function should be subject to specific rules and regulations**, which in some aspects are different from those applied to the staff of the organization (e.g., in terms of recruitment, administrative reporting line, performance appraisal etc.). Such special treatment calls for a more innovative approach and flexibility on the part of senior management and while it may create a more complex legal and operational context for management, it will result in an improved and more trusted ombudsman function with increased returns in the form of reduced conflicts and a more harmonious workplace climate in general.

155. Given the increasing expectations placed on the United Nations system organizations "to deliver as one" and in the light of the general aspirations to make progress in inter-agency mobility, **there is a need to continue to seeking greater harmonization of operational practices among the ombudsman offices across the United Nations system organizations** in order to ensure that the employees of the entire United Nations system have access to the same level of treatment with regard to resolving potential workplace conflicts.

Annex I

Ombudsman institution in the United Nations system organizations

Organizations	*Stand-alone Ombudsman function*	*Approved terms of reference/similar basic document*	*Possibility of reappointment/re-employment*	*Performance appraisal of Ombudsman function*	*Separate budget allocation*	*Reporting on systemic issues*	*Adherence to ethical principle of IOA Code of Ethics*
UN Secretariat*	Yes	Yes (2002), updating is ongoing (see box III)	Yes, for one five-year term/No	Yes, by the Secretary-General compact system	Yes	Yes, annually through Secretary-General to the General Assembly	Yes, in working documents, but not in terms of reference
UN funds and programmes (UNDP/UNFPA/ UNICEF/ UNOPS/ UN-Women)	Yes, as a jointly financed service for the five organizations	Yes (2002), updating is ongoing (see box III)	Yes, up to five years/No	No	Yes	Yes, annually through confidential note to the executive heads of the organizations, but not to Executives Board	Yes
UNHCR	Yes	Yes (1993), updating is ongoing (see box III)	Not regulated, but in practice no	Yes, organization-wide appraisal policy applies to Ombudsman	Yes	Yes, to High Commissioner but no reporting to Executive Committee	Yes, but not in terms of reference
WFP	Yes	Yes (2012)	Yes, for one four-year term/No	No	Yes	Yes, to executive director, but not to Executive Board	Yes, in terms of reference
FAO	No, combined with Ethics Officer function	Draft charter not yet approved	Yes, up to five years/Not regulated	Not addressed	No	Yes, to Deputy Director-General, Operations, but not to Council	Yes, soft formulation in draft charter

Organizations	*Stand-alone Ombudsman function*	*Approved terms of reference/similar basic document*	*Possibility of reappointment/re-employment*	*Performance appraisal of Ombudsman function*	*Separate budget allocation*	*Reporting on systemic issues*	*Adherence to ethical principle of IOA Code of Ethics*
ICAO	No, combined with other official duties in the organization (collateral duty)	Yes (1991)	Yes, 2-year renewable, no limit on number of terms/Collateral duty Ombudsman is already an employee	Not addressed	No	No	Yes
ILO	Yes	Yes (2004)	Yes, up to six years/Yes, after five years	Yes, by Joint Negotiating Committee	Yes	Yes, to Joint Negotiating Committee, but not to Governing Body	Yes
WHO**	Yes	Yes (2007)	Yes, up to five years/Not regulated	Not directly addressed, but one-year probation upon initial appointment	Yes	Yes, to Director-General, but not to Executive Board	Yes
WIPO	Yes	Yes (2014)	Yes, up to five years/Not regulated	Yes, by the Director-General	Yes	Yes, to Director-General, but not to legislative bodies	Yes

* Covering all United Nations Secretariat staff, except UNHCR staff.

** Covering also UNAIDS, ICC, IARC, and WHO satellite offices.

Note: The Office of the United Nations Ombudsman and Mediation Services (UNOMS) encompasses three pillars: the United Nations Secretariat, its funds and programmes and UNHCR, which operate independently and use, to certain extent, the same harmonized standards, operating guidelines, reporting categories and databases.

Annex II

Financial and human resources of ombudsman offices

Organization	*Level of Head of Ombudsman Office*	*Reports to*	*Staffing of Ombudsman Office*	*Total Budget for 2012-2013*	*Total Budget for 2014-2015*	*Number of Cases/Issues*			*Expected Number of Cases based on 1-5% of 2013 staff calculation*
						2012	*2013*	*2014*	*1%-5%*
UN Secretariat	ASG	UN Secretary-General	1 Ombudsman (ASG); 1 Chief of Office (D1); 1 Director of Mediation (D1); 7 Regional Ombudsman (P5); 2 Senior Mediator (P5); 1 Senior Conflict Resolution Officer (P5); 4 Conflict Resolution Officers (two P4, two P3); 1 Special Assistant to the Ombudsman (P4); 1 Communications Officer (P3); 11 Administrative Assistants (seven G6, two G5, two FS5)	Regular budget (UNA) Posts: US$ 5,898,800 Non-posts: US$ 606,000 Total UNA: US$ 6,504,800 Peacekeeping support account (QSA) Posts: US$ 2,534,100 Non-posts: US$ 1,131,900 Total QSA: US$ 3,666,000 Total resources: US$ 10,170,800	Regular budget (UNA) Posts: US$ 6,629,000 Non-posts: US$ 688,200 Total UNA: US$ 7,317,200 Peacekeeping support account (QSA) Posts: US$ 3,018,400 Non-posts: US$ 727,900 Total QSA: US$ 3,746,300 Total resources: US$ 11,063,500	1,496 cases/ 3000 issues	1,605 cases/ 3035 issues	1,671 cases/ 3155 issues	442-2,214

Organization	Level of Head of Ombudsman Office	Reports to	Staffing of Ombudsman Office	Total Budget for 2012-2013	Total Budget for 2014-2015	Number of Cases/Issues			Expected Number of Cases based on 1-5% of 2013 staff calculation
						2012	2013	2014	1%-5%
UN funds and programmes (UNDP/ UNFPA/ UNICEF/ UNOPS/ UN-Women)	D1	Executive Heads of participating funds and programmes	2 Ombudsman (D1); 1 Ombudsman specialist (ICS-11); 1 New position as of 2014-15 biennium (ICS-10); 1 Administrative associate (ICS-7); 1 Administrative Assistant (ICS-5); 4 Consultants	Staff: US$ 1,989,018 Non-staff: US$ 947,228 Total resources: US$ 2,936,246	Staff: US$ 2,402,881 Non-staff: US$ 957,400 Total resources: US$ 3,360,281	383 cases/ 656 issues	340 cases/ 608 issues	431 cases/ 688 issues	UNDP: 76-382 UNFPA: 25-124 UNICEF: 118-591 UNOPS: 8-41 UN-Women: 7-36 Total: 234-1,174
UNHCR[1]	D1	Deputy High Commissioner	1 Ombudsman (D1); 1 Senior Conflict Resolution Officer (P4); 1 Associate to the Ombudsman (G6)	Staff: US$ 916,851 Non-staff: US$ 96,035 Total resources: US$ 1,012,886	Staff: US$ 1,432,182 Non-staff: US$ 79,402 Total resources: US$ 1,511,584	160 cases/ 295 issues	134 cases/ 305 issues	134 cases/ 218 issues	90-449
WFP[1]	D1	Through Chief of Staff to the Executive Director	1 Ombudsman (D1); 1 Senior Staff Assistant (G6)	The non-staff cost allocation for 2013 amounted to US$ 145,642, which mostly covered the ombudsman's missions to country offices and staff training		304 cases/ 871 issues	356 cases/ 737 issues	355 cases/ 733 issues	139-695

Organization	*Level of Head of Ombudsman Office*	*Reports to*	*Staffing of Ombudsman Office*	*Total Budget for 2012-2013*	*Total Budget for 2014-2015*	*Number of Cases/Issues*			*Expected Number of Cases based on 1-5% of 2013 staff calculation*
						2012	*2013*	*2014*	*1%-5%*
FAO	P5	Deputy Director-General, Operations	1 Ombudsman/ Ethics Officer (P5); 1 Office Assistant (G4)	No allocated budget	No allocated budget	–	–	–	–
ICAO	Collateral function, can be filled at any grade level	ICAO Secretary-General	1 Ombudsman (part-time P4); No office support staff	No allocated budget	No allocated Budget	196 cases	146 cases	126 cases	7-34
ILO	P5	Joint Negotiating Committee	1 Mediator (P5); 1 Assistant (10%) (G4); 8 Facilitators in headquarters and 34 in field locations	Staff: US$ 561,041 Non-staff: US$ 138,374 Total resources: US$ 699,415	Staff: US$ 556,632 Non-staff: US$ 91,525 Total resources: US$ 648,157	117 cases/ 293 issues	126 cases/ 315 issues	100 cases/ 250 issues	29-143
WHO[2]	D1	Director-General	1 Ombudsman (D1); 1 Assistant to the Ombudsman (G6)	Staff: US$ 1,443,500 Non-staff: US$ 50,000 Total resources: US$ 1,493,500	Staff: US$ 1,121,000 Non-staff: US$ 50,000 Total resources: US$ 1,171,000	216 cases/ 529 issues	152 cases/ 353 issues	149 cases/ 338 issues	33-163
WIPO	P5	Director-General	1 Ombudsman (P5)	Staff: SwF 473,000 Non-staff: SwF 43,000 Total resources: SwF 516,000	Staff: SwF 485,200 Non-staff: SwF 32,700 Total resources: SwF 517,900	126 cases/ 311 issues	113 cases/ 259 issues	98 cases/ 248 issues	12-61

[1] Number of cases handled by the ombudsmen of UNHCR and WFP does not include cases handled by RWAs in the field offices.
[2] Number of cases handled by the ombudsman of WHO does not include cases handled by the regional ombudsmen.

Annex III

Overview of actions to be taken by participating organizations on the recommendations of the Joint Inspection Unit

JIU/REP/2015/6

		Intended impact	United Nations, its funds and programmes															Specialized agencies and IAEA												
			CEB	United Nations*	UNAIDS	UNCTAD	ITC	UNDP	UNEP	UNFPA	UN-Habitat	UNHCR	UNICEF	UNODC	UNOPS	UNRWA	UN-Women	WFP	FAO	IAEA	ICAO	ILO	IMO	ITU	UNESCO	UNIDO	UNWTO	UPU	WHO	WIPO	WMO
Report	For action		☐	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☐	☒	☒	☒	☐	☒	☒	☐	☐	☐	☐	☐	☐	☒	☒	☐
	For information		☒	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☒	☐	☐	☐	☒	☐	☐	☒	☒	☒	☒	☒	☒	☐	☐	☒
Recommendation 1		h		E	E	E	E	E	E	E	E	E	E	E	E	E		E	E	E		E	E							E	E	
Recommendation 2		f, h		E	E	E	E	E	E	E	E	E	E	E	E	E		E	E	E		E	E							E	E	
Recommendation 3		f, h		E	E	E	E	E	E	E	E	E	E	E	E	E		E	E	E		E	E							E	E	
Recommendation 4		c, f, h		E	E	E	E	E	E	E	E	E	E	E	E	E		E	E	E		E	E							E	E	
Recommendation 5		a		L	L	L	L	L	L	L	L	L	L	L	L	L		L	L	L		L	L							L	L	
Recommendation 6		f, h		E	E	E	E	E	E	E	E	E	E	E	E	E		E	E	E		E	E							E	E	
Recommendation 7		a		E	E	E	E	E	E	E	E	E	E	E	E	E		E	E	E		E	E							E	E	
Recommendation 8		c, f, h		E	E	E	E	E	E	E	E	E	E	E	E	E		E	E	E		E	E							E	E	

Legend: L: Recommendation for decision by legislative organ E: Recommendation for action by executive head

■ :Recommendation does not require action by this organization

Intended impact: a: enhanced transparency and accountability b: dissemination of good/best practices c: enhanced coordination and cooperation d: strengthened coherence and harmonization e: enhanced control and compliance f: enhanced effectiveness g: significant financial savings h: enhanced efficiency i: other.

* Covers all entities listed in ST/SGB/2002/11 other than UNCTAD, UNODC, UNEP, UN-Habitat, UNHCR, UNRWA.